

## **A RAND NOTE**

**The Mitrione Kidnapping in Uruguay**

**David Ronfeldt**

**August 1987**

**RAND**

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**Prepared for the  
U.S. Department of State  
Defense Advanced Research Projects Agency**

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## PREFACE

This study analyzes the kidnapping of Dan A. Mitrione, the Chief Public Safety Adviser at the American Embassy in Uruguay, on July 31, 1970, by members of the National Liberation Movement (an urban guerrilla group known as the Tupamaros). It is one of a series of case studies of hostage events completed by The RAND Corporation for the Department of State and the Defense Advanced Research Projects Agency (DARPA) during the 1970s. These case studies were based on a broad range of data available at the time, including published accounts, Embassy and other cable traffic, interviews with U.S. government officials who participated in each episode, and, where possible, interviews with the officials of other governments, as well as the hostages themselves. The studies provided the most detailed accounts of these events at the time. Their purpose was to better inform U.S. government officials and agencies about the theory and tactics of terrorist kidnapping and hostage-taking, in connection with broader, continuing RAND research on international terrorism.<sup>1</sup>

The study of the Mitrione kidnapping was originally completed in 1974 but could not be made available for public release because some of the source documents were classified. Freedom of Information Cases #630373 (1977) and #8701000 (1987) now permit public release of this material. An epilogue has been added to the original document noting some new information that has recently come to light about the Mitrione kidnapping.

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<sup>1</sup>For further information, see the current *RAND Bibliography of International Terrorism*, SB-1060. An overview of RAND findings concerning antiterrorist policies and capabilities is presented in RAND Report R-2764-RC, *Options for U.S. Policy on Terrorism*, by Gail Bass, Brian M. Jenkins, Konrad Kellen, and David Ronfeldt, July 1981.



## SUMMARY

In the largest and longest kidnapping campaign ever undertaken up to that time, Dan Mitrione, the Chief Public Safety Adviser of the American Embassy in Uruguay, was kidnapped near his home in Montevideo on July 31, 1970, by the National Liberation Movement (MLN), popularly known as the Tupamaros, the most proficient urban guerrilla organization in existence. Mitrione was seized as part of an unusual diplomatic kidnapping campaign, in which Brazilian Consul Aloysio Dias Gomide was abducted the same day, an unsuccessful attempt was subsequently made to kidnap U.S. Embassy Second Secretary Gordon Jones, and AID contract employee Claude Fly and British Ambassador Geoffrey Jackson were later abducted.

This kidnapping campaign represented the unfolding of a strategic operation called Plan Satan, in which the Tupamaros sought to provoke a ministerial crisis and foreign intervention, to lead ultimately to the downfall of the Uruguayan government. The specific tactical objective of the Mitrione and Dias Gomide kidnappings and the unsuccessful attempt on Jones was the liberation of some 150 Tupamaros then imprisoned or detained by the government. This constituted the largest prisoner ransom ever demanded for kidnapped diplomats. As the Uruguayan President stood fast and refused any prisoner exchange, the kidnappers executed Mitrione on August 10.

The Government of Uruguay (GOU) was at that time a liberal democracy in decline, headed by a President who was extremely stubborn, autocratic, and remote. The enormous prisoner demand posed for him an institutional problem. Owing to a jealously guarded separation of powers, the Executive branch had no jurisdiction over prisoners who were held by the Judicial branch (as were most Tupamaros), and thus the President could not unilaterally authorize their liberation. As it turned out, however, neither the President nor the Supreme Court justices sought a prisoner release. Instead, the President, supported by the Interior Minister, refused to concede or negotiate with the Tupamaros and also declined to engage in communications until late in

the episode. Heavy police and military operations were authorized, and the hard-line policy was expressed through an Interior Ministry communique on August 3 and the first Presidential statement on August 6, both directed to the general public rather than the Tupamaros. The hard-line policy was sustained behind closed doors against the conciliatory line advocated principally by the Vice President and the Foreign Minister. Some reports indicate that the President contemplated resigning just after Fly was kidnapped on August 7, but that the sudden capture hours later of nine Tupamaro leaders gave him cause to pursue his policies with renewed vigor. Various government officials, but probably not the President, reportedly interviewed the captured Tupamaro leaders in attempts to arrange some last-minute deal, but these leaders claimed to be powerless to influence events.

The Tupamaros issued seven communiquees before killing Mitrione, almost all of them directed at public opinion in general. On July 31 and August 2, they demanded the prisoner exchange. On August 5, they rejected the Interior Ministry communique, which had intimated some potential but stiff bases for communication and negotiation. On August 6, they set a deadline of midnight August 7 for passing sentence on Mitrione and Dias Gomide. On August 7, they threatened reprisals for any mistreatment of their recently captured leaders. On August 8, they repeated this threat and declared that their hostages were still alive. Later that same day, they sentenced Mitrione to be executed at noon the next day, August 9, since the prisoner exchange was not taking place. The execution did not actually take place until 4:00 a.m. on August 10.

While the Tupamaros hoped the diplomatic kidnappings would lead to foreign pressure and even intervention against the Uruguayan government, the United States proceeded cautiously. With the Ambassador in command of most initiatives, the U.S. response consisted mainly of (1) urgent diplomatic suggestions and even pressure for the Uruguayan government to break the communications impasse and open some channel to the kidnappers; (2) intensive participation of Public Safety Advisers in local police operations; and (3) extensive press play in favor of a humanitarian outcome and in opposition to MLN tactics. As background objectives, the U.S. government was concerned with preventing any signs of MLN success and sustaining the Uruguayan regime in power through the

1971 elections, while also avoiding any strain in relations with the Brazilian government, which followed a somewhat more aggressive policy in favor of concessions for release of the Brazilian Consul.

The American Ambassador enjoyed constant contact with Uruguayan officials, meeting frequently with the Foreign Minister, once with the Vice President, and twice with the President during the ten days. In the major attempt at private diplomatic pressure, on August 6, the Ambassador delivered to the Uruguayan President a note from the U.S. President and orally urged that he at least attempt to break the communications impasse, if only for humanitarian reasons. The Uruguayan President refused to be influenced by the U.S. move, and at his behest the letter was kept private so as not to cause him any public or intram ministerial difficulty. Thus, as diplomatic pressure, this U.S. step did not succeed. There is some question, however, about whether the step was aimed at influencing the Uruguayan government or at reassuring the Brazilian government of U.S. intentions to press for release of the hostages. In any case, U.S. officials decided not to apply stronger pressure on the already fragile Uruguayan regime in order to avoid weakening it.

In the aftermath, the State Department released a significant press statement to the effect that the U.S. government would not pressure local governments to accede to terrorist demands, because doing so would only encourage future diplomatic kidnappings. Overall, the case reveals how little influence U.S. diplomatic measures may have on a friendly government whose top leaders are determined to act independently.

While this episode ended on August 10, the effects of Plan Satan lasted for several more months, until well after the release of Fly. After Mitrione's death, somewhat stronger U.S. diplomatic pressures were directed at the Uruguayan government in an attempt to have it take some steps to gain Fly's safe release. Nonetheless, Uruguay's President stubbornly persisted with his hard-line policy, and U.S. officials avoided exercising blunt pressures that might have weakened the Uruguayan regime or caused a breach in U.S.-Uruguayan relations.



#### ACKNOWLEDGMENTS

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## I. THE POLITICAL CONTEXT

Uruguay's National Liberation Movement (MLN), popularly known as the Tupamaros, became the world's most formidable and proficient urban guerrilla movement, recruiting a large following among the country's educated, middle-class, and youth sectors at a time when the established political and economic institutions showed little promise of national progress. The Tupamaros' long-term objective was Marxist revolution, by way of the violent destruction of Uruguay's traditional democracy and its electoral/representative institutions. Major short-term objectives were to harass, discredit, and divide the Uruguayan government before the public, as well as to weaken and intimidate the security forces, so that the Tupamaros could demonstrate to the Uruguayan people their power as a parallel or counter-government. The provocation of foreign intervention, especially by the Brazilian or Argentine military governments, was considered a key step toward the mobilization of the Uruguayans for a mass revolution. The Tupamaros failed to calculate that provocation of the Uruguayan military would in the end be the reaction that would help mobilize public opinion against them.

Founded during 1962-63 by Raul Sendic, the Tupamaros gained considerable popular notoriety and built up their resources in succeeding years through a series of spectacular publicity stunts that sometimes involved violence but did not directly threaten lives. These acts included political kidnappings, as well as armed robberies and acts of sabotage. After the burning of a General Motors factory following Governor Rockefeller's visit in July 1969, Tupamaro attacks became increasingly ambitious and bloody, resulting in the deaths of various policemen, as the revolutionaries took the offensive and campaigned with the full array of guerrilla tactics.<sup>1</sup>

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<sup>1</sup>The Tupamaros were the most powerful, although not the only leftist movement in Uruguay. However, it became clear in the course of the Mitrione case that traditional pro-Soviet and even pro-Chinese political leaders believed that MLN tactics would only provoke the government into adopting a harder line against leftist organizations in general.

### EARLIER TUPAMARO KIDNAPPINGS

The Tupamaros accomplished their first political kidnapping on August 7, 1968. The victim was Ulises Pereyra Reverbel, Director of the State Electric Power and Telephone (UTE) monopoly. As such, he was an adviser to the President of Uruguay, as well as a close friend. Pereyra was apparently targeted because he had urged the President to adopt a hard line against labor and students during recent unrest. He was seized by four or five armed terrorists outside his seaside home and was held until August 12, when he was released unharmed. The kidnappers apparently made no specific ransom demands and instead used the incident for propaganda against the government. However, the Tupamaros had indicated that Pereyra's life would depend on the treatment given to Tupamaro prisoners and that he would be released whenever the organization leaders felt like releasing him. While he was being held, thousands of police who were mobilized to find him raided the national university, where violent clashes broke out with students. This unsuccessful reaction further helped the kidnappers to discredit the government.

On September 9, 1969, a Tupamaro commando group kidnapped Gaetano Pellegrini Giampietro, a leading banker and newspaper publisher whose father was the former Italian Finance Minister under Mussolini. Pellegrini had served as a spokesman for bank management in the negotiations in a bank strike earlier that year and had adopted a hard bargaining line. He had frequently been criticized by Uruguayan leftists. Pellegrini was seized from the Presidential Palace. The abduction was not witnessed by Presidential guards, and no one interfered--aspects that were particularly disturbing to Uruguayan security forces. The guards were in fact around the corner. As conditions for Pellegrini's release, a Tupamaro radio broadcast the next day required a settlement favorable to striking bank workers by the following day, September 11. The Tupamaros also warned that if any street demonstrators were killed by police, Pellegrini's life would be endangered. In fact, the strike was settled before the deadline, but evidently as a coincidence rather than as a result of the threat. Pellegrini was not released, however. The Tupamaros were apparently

concerned that many of the 9,000 striking bank workers might be subject to military punishment for failure to comply with a mobilization decree that would, in effect, have taken them off the streets. Pellegrini was finally freed in November, after 73 days, when a ransom of \$60,000 was paid in the form of donations to a workers' hospital and a primary school in Montevideo.

On July 28, 1970, Tupamaros seized Daniel Pereyra Manello, a criminal-courts judge who was the arraigning judge from 1977 onward in the trial of most of the approximately 150 Tupamaros who had been charged with violating the state security law and other crimes. The abductors assured Pereyra's wife that they only wanted to have a lengthy talk with her husband and that he would be released within 48 hours. Meanwhile, a rumor circulated that the release of prisoners would be demanded in exchange for the judge's liberty; in response, a spokesman for the President disclosed that the President would not agree to exchange any prisoners, regardless of the consequences. Two communiqus were issued describing how Pereyra was being interrogated about his alleged cover-up for police brutality and prejudice against the Tupamaros. In the second communique, on July 30, the Tupamaros announced that they would hold the judge for more than 48 hours, while they continued their interrogation concerning detention and trial procedures. The judge was finally released on August 5, bearing a communique about the three foreign diplomats who were kidnapped two days after Pereyra, on July 31.

#### PLAN SATAN

Whereas the first two kidnappings were isolated episodes, the third one, that of Judge Pereyra, folded into the adoption of Plan Satan, a strategic plan by the Tupamaros to use a series of diplomatic kidnappings in order to weaken the government and provoke foreign intervention. The Tupamaros judged that mid-1970 was a critical time as Uruguay entered the pre-campaign period for the next presidential elections in late 1971. They proceeded to engage in the most deliberate kidnapping campaign ever undertaken, though no hard evidence links the Pereyra abduction directly to the succeeding cases. Thus the Pereyra kidnapping was quickly followed by the capture of Dan Mitrione, the

Chief Public Safety Adviser at the American Embassy; Aloysio Dias Gomide, the Brazilian Consul; and Claude Fly, an American agricultural specialist working in Uruguay under an Agency for International Development (AID) contract. Attempts were also made against U.S. Embassy Second Secretary Gordon Jones and a Uruguayan official, and British Ambassador Geoffrey Jackson was later kidnapped. In addition, during July 1970, the Tupamaros forced propaganda messages into the homes of members of the armed forces, primarily seeking neutrality through intimidation of the families.

#### EXISTING GOVERNMENT POLICIES

Uruguayans in general had placed a high value on their country's historic image and performance as one of Latin America's successful liberal democracies. They had enjoyed a long tradition of stable civilian rule alongside an essentially apolitical military, in a continent where military dictatorships had flourished on all sides for many years. In addition, Uruguayan leaders took great care to abide by the constitutional and legal precepts for institutional behavior. Despite such government and constitutional trappings, however, by the late 1960s the Uruguayan government had become rigidly bureaucratized and inefficient, unable to lift the economy from a chronic condition of stagnation and decline, and failing as an institution that would solve the problems of Uruguayan society.

Security problems were managed mainly by the Presidency, the Interior Ministry, and the police under its jurisdiction. The military was in no way involved as a significant participant in counterinsurgency operations, although by 1970 some operations were carried out by so-called "Joint Forces," which combined a few military units with police units.

At the time of the Mitrione kidnapping, Uruguay was presided over by Jorge Pacheco Areco, a conservative who was commonly known as one of the most stubborn Uruguayans alive. A former minor newspaper employee and former Vice President, Pacheco became President upon the death of the incumbent in December 1967. Pacheco's leadership was characterized by bad relations with Congress, harsh rule by executive decree against leftist organizations, and student and labor unrest. In mid-1968,

Pacheco proclaimed a series of emergency security measures authorized under the Uruguayan Constitution; these measures were in effect when Mitrione was kidnapped. After the Tupamaro operations of late 1969, the President even forbade the press to use the word "Tupamaro" or related terms--so the press began to refer to "the nameless ones" in their reports. The government did not, however, consider the MLN to pose a major threat.

The Government of Uruguay (GOU) had a firm no-deal policy at the time of the Mitrione kidnapping. Up to that time, the policy had been used only against domestic political victims. In March, President Pacheco declared that the GOU would not accede to terrorist demands if a foreign diplomat were kidnapped. In June, Foreign Minister Jorge Peirano Facio and U.S. Ambassador Charles Adair discussed the potential GOU response to foreign diplomatic kidnappings. The Foreign Minister was unhappy over the implications of the intransigent stand against ransom and thought that other, modest demands might be acceptable to his government. He concluded that the best policy was a firm public stand against any negotiations, with the GOU actually prepared to consider each case separately. But as far as he knew, this was a personal opinion, since there was no one else in the GOU with whom he could discuss the matter frankly. When asked whether the United States had a firm policy on such matters, the U.S. Ambassador replied that he had no information.<sup>2</sup> Meanwhile, in July, the Embassy adopted security precautions issued by the American Embassy in Guatemala for use by the local Security Watch Committee.

Although the Tupamaros had never before demanded a prisoner release, such a demand could have been expected by mid-1970 because of the growing number of MLN members in prison. However, institutional prerogatives made it very difficult for the Uruguayan President to accede to any demand for a prisoner release. The Executive, Judicial, and Legislative branches jealously guarded the spheres of power granted them under the Constitution. The Judicial branch held jurisdiction over most of the imprisoned MLN members, and any unilateral move by the Executive branch to release them would be considered dictatorial by both the Judicial and Legislative branches.

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<sup>2</sup>Montevideo Embassy Telegram 1139, 16 July 1970.

## II. THE MITRIONE KIDNAPPING AND THE URUGUAYAN GOVERNMENT'S RESPONSE

Dan A. Mitrione, who turned 50 years old in captivity, was known to be a potential target of the Tupamaros because of his activities as Chief of the four-man Public Safety Office of AID, where he had worked since 1969.

While Mitrione had been warned to take security precautions, he did not adopt stringent measures. He was kidnapped a block and a half from his home in a residential section of Montevideo at about 8:15 a.m., July 31, 1970, while riding to work in a police-chauffeured automobile. He was unarmed; his driver carried a .38 caliber revolver. The kidnappers, about five men traveling in two stolen pickup trucks, halted Mitrione's car by ramming it with one of the trucks. While one man quickly covered the police driver, the others forced Mitrione into the second pickup truck, cursing, beating, and accidentally shooting him near the shoulder in the process. The bloodstained truck was later found abandoned, containing some of Mitrione's personal effects.

Mitrione was seized as part of a larger, essentially simultaneous operation. The Tupamaros succeeded in also abducting Brazilian Consul Aloysio Dias Gomide, but failed in their attempt to kidnap another U.S. Embassy officer and a prominent Uruguayan official. Dias Gomide was captured at his home by about nine men and women after three or four of them gained entry by claiming to be repairmen for a telephone that was out of order. He was driven off in his own car. Urban guerrillas also grabbed Gordon Jones, the Second Secretary and Economic Officer of the American Embassy, in his garage as he left for work, after mistaking his companion, U.S. Cultural Attaché Nathan Rosenfeld, for Jones. Beaten on the head but not unconscious as his abductors thought, Jones managed to escape by rolling off the back of a pickup truck while bound and wrapped in a blanket. To ensure that no further attacks would be made on Jones, Washington and Embassy officials ordered him and his family out of Uruguay soon after his escape. (He served the remainder of his overseas tour as an economic officer at the U.S. Embassy in Mexico City.)

Tupamaro guerrillas attempted unsuccessfully to abduct the Minister of Public Works as he departed for work from his apartment building-- it was later suspected that they mistook him for their real target, a Uruguayan Army officer who resembled the Minister and lived in the same building.

Diplomatic kidnapping at this time was not unexpected, in view of the large number of Tupamaros held in prison. Mitrione was known to be a potentially high-priority target for some kind of Tupamaro activity, but the attempt on Jones came as a surprise. In selecting U.S. and Brazilian victims, the Tupamaros challenged the two governments that might apply the strongest pressure on the Uruguayan government to accede to demands.

The Tupamaros issued their first communique late on the afternoon of July 31. It was left in the bathroom of a downtown bar and addressed to the newspaper *El Diario*. The editor apprised the police and the U.S. Embassy by way of U.S. Information Service (USIS) officials. The communique, identified as Communique #3,<sup>1</sup> demanded the liberation of all "political prisoners" then being held by the police, in exchange for Mitrione and Dias Gomide. (Because there were about 150 prisoners, this represented the largest demand ever made by a terrorist group anywhere in the world.) The communique also stated that Mitrione had a gunshot wound (the wound was described in detail) and that he was receiving proper treatment. As authentication, Mitrione's personal card was attached and two of his personal belongings were described in detail. The communique ended with the warning that "for every revolutionary killed, one policeman will be killed."

This communique had two features that would reappear in successive communiqes and would cause enormous difficulties. One was the demand for a massive, unprecedented prisoner release. The other was the highly indirect mode of communication with the government, by way of private intermediaries and directed to no specific address, governmental or otherwise.

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<sup>1</sup>Communiques #1 and #2 concerned Judge Pereyra Manelli, who had been abducted several days earlier.

The government immediately responded by branding the kidnappings as "police matters." At the urging of the now three-man Public Safety Division, the Montevideo police allocated all their resources to the investigation and search. Some Uruguayan military units stationed in Montevideo were also made available at the recommendation of the U.S. Defense Attache and the Military Group and were placed under tactical police command. Sweeping searches were promptly initiated and roadblocks were set up, although this was slowed initially by an extreme shortage of police automobiles until units from the interior were brought for help.

The greatest handicap at first was the lack of coordination of information and operations among the various police and military units. After Public Safety advisers continually pointed this out to authorities, some improvement was noted. Greater improvements occurred after the U.S. Ambassador, acting on a request from the Public Safety Division, discussed his concern at the Ministerial level that same day, July 31.

During the first 24 hours, Uruguayan police detained numerous suspects, while police and military checkpoints throughout Montevideo and its environs halted and examined tens of thousands of vehicles and pedestrians. Police also began finding the stolen automobiles that had been used in the various kidnappings. The arrestees included a Tupamaro chief who was identified as a participant in the Mitrione kidnapping.

The Public Safety Division and the Embassy Country Team meanwhile requested that two additional advisers be sent from the Washington Office of Public Safety. The advisers arrived on Sunday, August 2.<sup>2</sup> A system was set up whereby two Public Safety advisers worked at local police headquarters with the directors of various police activities. They insisted on complete coordination of effort and central compilation of all information so that the entire police department could analyze and evaluate everything. Meanwhile, two other Public Safety advisers coordinated information coming into the Embassy, forwarded it to the

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<sup>2</sup>The leftist press circulated wild rumors of FBI contingents in Montevideo, one estimate claiming the arrival of 110 agents.

police headquarters, and acted as liaison with the Ambassador. The fifth adviser was responsible for preparing dispatches and making telephone calls to Washington, as well as generally assisting the other officers.

In the days ahead, these Public Safety officers encouraged strong operations under police direction; and Army, Air Force, Navy, fire department, and police units--thousands of men--continued to make broad, sweeping searches of entire areas, sealing them off beforehand, then checking house-to-house. They set up roadblocks on all thoroughfares leading out of the city. They checked the identity of all persons leaving the country by air, automobile, or water. At the suggestion of the American advisers, they also checked medical clinics, large and small. In the midst of all this police pressure in Montevideo, Tupamaro units continued to commit armed robberies, for cash or medicine, during the next several days. One bank robbery grossed almost 5 million pesos, and another grossed 24 million Argentine pesos.

For the first few days, no major policy statement was forthcoming from the Executive branch. The President kept silent. Privately, the Justices of the Supreme Court were united in their determination to deny any request and resist any pressures that involved the release of convicted prisoners in exchange for kidnapped diplomats. Publicly, Interior Minister General Antonio Francese did claim that the Executive branch was powerless to effect the release of any MLN prisoners because of jurisdictional issues. All parties generally believed that Uruguay's international reputation was at stake, since it rested so strongly on respect for law and constitutionality.

As a further reaction, the Uruguayan government refused to engage in any direct communications with the Tupamaros; the government would not indicate any intention to make concessions or even to negotiate. A communications impasse began to develop almost immediately, as government officials insisted on having a concrete and direct communique before revealing their hand. Otherwise, they would respond only indirectly through the press, as the Tupamaros had done.

While the Executive branch thus promoted police operations, and judicial leaders were unprepared to grant any prisoner release, some legislators raised voices, beginning on August 1, in favor of

negotiations or of some formula that might lead to some prisoner release. Amnesty would become the favored proposal.

At 3:30 p.m. on August 2, *El Diario* received another telephone call, stating that a message was located in the restroom of a downtown bar. This message, *Communiqué #4* (the second concerning Mitrione), demanded freedom for all prisoners judged or condemned for political crimes anywhere in the country, except those individuals who chose to stay and serve their sentence. Freed prisoners were to be sent to Mexico, Peru, or Algeria. No deadline was set. The communiqué also said that Judge Pereyra was in good health and still being questioned, that Dias Gomide was in good health, and that Mitrione was recovering from his wound and being questioned as much as his condition permitted.

At about the same time, a local radio station received word of another communication that proved to be a note from Mitrione to his wife. Along with personal comments, it stated: "Please tell the Ambassador to do everything to liberate me as soon as possible. I have been and am being interrogated deeply about the AID program and the police." A note from Dias Gomide to his wife was found with it. (The Public Safety log comments that Mitrione's letter was written "in a firm hand." This is not a useful or accurate graphological analysis, however, for later analyses indicated that the handwriting clearly revealed that Mitrione was suffering from considerable stress.)<sup>3</sup>

Since *Communiqué #4* was delivered to a newspaper rather than to the government, the Interior Minister claimed later that evening that his government could not make any statements about any prisoner exchange because no communiqué had reached his Ministry proposing such an exchange. In other words, the government adopted the tactic of refusing to react to anything except direct communication with the terrorists. A statement by the Vice President, however, stirred press speculation (mainly on August 3) that the government might consider a general amnesty for all political prisoners, avoiding direct negotiations with the Tupamaros.<sup>4</sup>

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<sup>3</sup>The Public Safety log did provide other very useful information, however.

<sup>4</sup>It was later learned that the Vice President opposed amnesty as a practical solution. The Defense Minister meanwhile revealed that the

These contrasting statements reflected the split that was beginning to develop within the Executive branch. The President and the Interior Minister led the so-called "hard line" against the Tupamaros, while the Vice President and the Foreign Minister led the "soft line" that favored some negotiations, or at least dialogue. Both positions also existed in the Legislature, although the press gave the greatest publicity to concessionary proposals. Reports were ambiguous about the policy preferences of the Defense Minister, General Cesar Borba, but most of the Army officers favored the hard line. Rumors at the time indicated that the military was pressuring civilian officials, especially the President, not to give in to Tupamaro demands. In retrospect, however, it seems clear that the President and Interior Ministry officials made the decisions very independently and were at no time threatened by a potential military coup. Instead, the Foreign Minister and Vice President evidently misjudged the situation and conveyed to U.S. officials greater hopes for conciliation than in fact existed.

As this internal split developed during August 2-3, the President asked the Interior Minister to draw up a public communique that would represent government policy for the time being. The task fell to the Interior Ministry, because it was the Ministry that managed the police, and the kidnapping was being treated as a police matter.

This communique was issued Monday, August 3, at noon. It was directed at the public, not the Tupamaros, in keeping with the government's position that it had received nothing from the kidnappers. The Interior Ministry called the kidnapping an act of aggression and extortion against the legitimately constituted state by common criminals, to whom the term "political prisoners" did not apply. It stated that the authorities would steadfastly perform their duties, defending the Constitution and the laws as they applied to detained persons and prisoners. The communique also spoke of the casualties suffered by the police and the Army in defending society against delinquency, and noted that there was no guarantee that the kidnappers

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government planned no state of siege or curfew, since the present state of "exception" was the only extreme measure permitted under the Constitution.

would subsequently halt their activities, let alone repent and return stolen arms. The kidnappers had not made the smallest sign of conciliation. The rather lengthy communique took a very firm stand on the necessity of obedience to constitutional principles and judicial procedures. Yet it did not flatly reject negotiation; for example, it left room for possible dealings over detained persons who were not yet sentenced under criminal law and who might therefore be subject to parliamentary amnesty.

The Foreign Minister did not approve. Just before noon, he went to visit the President to urge the adoption of a more open stance, or at least to obtain an indication of some willingness to engage in dialogue. Shortly after his arrival, however, the Interior Minister issued the hard-line policy declaration. Though the Foreign Minister knew the document was being prepared, he was never consulted for approval, and the announcement came as a surprise. He became so upset that he threatened to resign, but the Vice President counseled him not to do so.<sup>5</sup> After the communique was issued, an important Foreign Ministry official, Carlos Giambruno, implied to the press that the message might not exactly represent the will of the President and claimed that a final decision was still about 48 hours away.

On August 3, the Papal Nuncio offered his services as mediator between the government and the guerrillas, and opposition Congressmen called for an investigation of Mitrione and of AID police activities in Uruguay, claiming that they had been kept secret from the public.

As amnesty became the favored proposal within legislative circles, a bill was submitted on August 4. The authority to grant amnesty in fact rested with Congress, not the President. However, many representatives would not vote in favor of amnesty without prior approval from the Executive branch. Because that approval was not forthcoming, the bill would not pass. Meanwhile the police gained a small break that day, when a raid led to the capture of four moderately important Tupamaros and the recovery of some weapons stolen from the Naval Training Center the previous May in a Tupamaro operation that had greatly embarrassed the security forces.

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<sup>5</sup>Montevideo Embassy Telegram 1604, 7 August 1970.

At 9:30 p.m. on August 4, the Tupamaros responded to the Interior Ministry communique of the previous day. Judge Pereyra Manelli was released in a central residential area not far from his home. He had in his possession MLN Communique #5, for presentation to the President of the Supreme Court in a direct address to the government. The communique made known that the MLN ratified fully all conditions expressed in previous communications: "Under no circumstances is it disposed to widen the negotiation to other points mentioned in the communique of the Interior Ministry." Dias Gomide was said to be in good health, while Mitrione was recovering. Finally, the communique pointed out that Judge Pereyra was released as previously promised, despite his confession of incorrect processing of captured Tupamaros, malfeasance, the holding of arrested Tupamaros for more than 48 hours without due process, and torture.<sup>6</sup>

The next day, August 5, a spokesman for the Executive branch maintained that the government would not negotiate and had no intention of replying to the Tupamaros. Press reports meanwhile suggested considerable discussion within the government about proposals for deportation, exile, or amnesty for imprisoned Tupamaros. The reports claimed there were major divisions within the Executive branch, between the President and the Interior Minister on one side, and among the Foreign Minister, the Vice President, and the Secretary to the President on the other side. Reflecting these differences, the Foreign Minister may have met privately on August 5 or 6 with several lawyers who had defended Tupamaros in criminal proceedings, in order to seek communication links to the kidnappers.<sup>7</sup>

On August 6, a special statement from the Office of the Secretary to the President declared that the government still rejected the Tupamaro demands. Moreover, it said that the Interior Ministry communique issued three days earlier faithfully defined the President's

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<sup>6</sup>Though Pereyra could provide very little information about his captors, he reported excellent treatment. He was also unaware that Mitrione and Gomide had been kidnapped. Later, rumors would circulate that he might be a secret Tupamaro sympathizer.

<sup>7</sup>This last point appears in State Telegram 127590, 7 August 1970.

thoughts and had the support of the Foreign Minister. In an ominous note, the statement declared that any dissenting officials would have to resign. None did.

Public opinion was also divided. A special Gallup Uruguay poll whose preliminary results were delivered to the Presidency (and the Embassy) on August 6 revealed that on the basis of interviews held on August 2-6, 33 percent of Uruguayans considered the kidnapping an act of vandalism; 35 percent believed it was a legitimate revolutionary method; and 32 percent did not reply. Moreover, 37 percent believed the government should provide ransom by releasing imprisoned terrorists; 37 percent believed the government should not; and 26 percent did not reply. Finally, 60 percent believed that if kidnap victims were not ransomed, the terrorists would nevertheless return them safe and sound; 30 percent believed the victims would not be returned; 10 percent did not reply.<sup>8</sup>

The optimism for a safe return was surely jolted by the next MLN communique. At 1:05 a.m. on August 6, Communique #6 was delivered to the studio of a radio station and turned over to the police. Hardening the line, this communique declared that Mitrione was a North American spy who had infiltrated the security forces of Uruguay. "According to his own declarations, he has advised the Metropolitan Guard, the Republican Guard, and other repressive forces that in recent years have killed a dozen patriots in popular manifestations or in actions against revolutionary groups. Also, according to his declarations, deadly arms have been provided for the repression of the Uruguayan people under the

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<sup>8</sup>Results were published by Gallup Uruguay for its subscribers later that month. The completed calculations confirmed that 60 percent indeed believed at the time that the victims would survive safely, but 17 percent believed they would not be returned safely, and 23 percent abstained. In other final calculations that were even closer to the preliminary figures, 34 percent considered the kidnapping an act of vandalism; 34 percent thought it was a legitimate revolutionary recourse; and 32 percent did not express an opinion. Figures on attitudes toward government policy were substantially different; however, it is unclear whether 43 percent thought the government should exchange or thought that it should not; 32 percent thought the opposite; and 25 percent expressed no opinion. See *Indice de Opinion Publica*, No. 150-151, Agosto 1970, p. 3 and Tables 1, 3, and 5. Compare figures on p. 3 of the survey results with those in Table 3, where the rows are reversed.

cynical emblem of AID." Dias Gomide was identified as the Brazilian representative of a dictatorship of butchers. Lamenting the death of the dozen Uruguayan "patriots" and the imprisonment of more than 150 others, the communique delivered the ultimatum: "We will wait until 2400 hours next Friday, the 7th, for the authorities to definitely declare themselves regarding the liberty of our imprisoned comrades. In case there is no affirmative answer, we shall consider the case closed and will *do justice*.<sup>9</sup> If the answer is favorable, we will wait until midnight on Tuesday the 11th for the conditions announced in previous notes to be put into effect." Photocopies of documents that belonged to Mitrione--an AID identification card, a membership card for the FBI National Academy Associates of Indiana, and an identification card for the Recreation Association, Department of State--were also found on August 6 in a local bar and were turned over to the police by the manager. Later in the day, a Tupamaro unit robbed a bank of 4 million pesos.

On August 6, again following the advice of Public Safety officers, the Interior Ministry announced a GOU offer of 1 million pesos for each piece of good information volunteered by citizens. Procedures were established to safeguard the identity of informants. Many persons believed the police were infiltrated by the terrorists, however, and were afraid to call police headquarters. Therefore, a special, independent Citizens' Information Center was established by the Interior and Foreign Ministries. Subsequently, and for the first time since the formation of the MLN, the public began to volunteer information, suggestions, and help to the police agents, a trend that increased after the death sentence was passed on Mitrione the next day.

In the evening, the President issued a new policy statement, his first personal announcement declaring his full agreement with the earlier Interior Ministry communique and his intention to uphold Uruguay's international reputation as a nation of law. Moreover, in a traditional legalistic tone, he affirmed that the case "by its very nature falls strictly within police jurisdiction," even though the victims were not Uruguayans. This August 6 statement and the August 3

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<sup>9</sup>Underlined in the original as "*haremos justicia*."

communique constituted the major public policy expressions of the local government toward the kidnapping. Privately, government officials estimated that the Tupamaros would not sentence the hostages to death, since they had never killed hostages before.

Matters only worsened, however. At about 9:15 the next morning, August 7, three men entered the Soils Laboratory of the Uruguayan government on the outskirts of Montevideo and kidnapped Dr. Claude L. Fly, an American citizen and agricultural specialist employed by International Development Services under an AID-financed contract with the GOU. An anonymous telephone call to a Montevideo radio station confirmed the kidnapping later in the day. No communiqus or demands were made until the following day. Clearly, the Tupamaros were upping the ante to increase pressure on the government of Uruguay with their unfolding Plan Satan.

A few hours after the Fly kidnapping, the greatest blow was struck against the terrorists. Police captured nine (some reports said fifteen) Tupamaros, many of them high-ranking, including two of the top leaders (Raul Bidegain Greissing and Raul Sendic, the founder of the organization), as they assembled for a meeting. The capture was the result of a stakeout that was undertaken after intelligence agents searching a house had found Mitrione's watch and a Tupamaros letter dated August 5. One of those arrested had Claude Fly's passport and personal card in his possession, another had Dias Giomide's ring, and a third carried Mitrione's passport. During that day and into the next, they were interrogated by police, under close medical and judicial supervision.

In the afternoon, the President held a meeting with his ministers and other important political leaders. Reports indicated that the President had been considering resignation in favor of a new government that would negotiate, until he heard about the capture of the Tupamaro leaders. After the meeting, it was announced that the government had resolved to stand by its decision not to negotiate. Indeed, as discussed later in this Note, it was still generally thought that the Tupamaros would not execute their captives.<sup>10</sup> Moreover, officials

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<sup>10</sup>Elsewhere, two Uruguayan senators asserted that the government would not negotiate and that concessions to the stated demands would

believed that the capture of the top Tupamaro leaders would enable police to break the case. Indeed, an announcement from the Foreign Ministry forecast that the capture of the Tupamaro leaders, along with accompanying police measures, would soon bring a satisfactory solution to the crisis. For their part, the police, encouraged by their earlier success, intensified the search and mounted a major operation, surrounding a university hospital and medical facilities with hundreds of policemen and soldiers. They undertook a 7-hour search for Mitrione, acting on a tip, but the search proved unsuccessful; 3 hours were spent waiting for a Supreme Court warrant to authorize entry for a search of university property.

Government authorities thus did not change their basic hard-line policy as the midnight, August 7, deadline for passing sentence approached. But behind the scenes, the Interior Minister visited Sendic and other captured leaders, evidently looking for a way to break the impasse. While rumors of information and confession circulated during the next day or so, the captive leaders in fact provided no useful information, nor did their imprisonment serve to break the deadlock. Sendic revealed that at the time of their capture, the leaders had not planned to kill the diplomats if the GOU refused to meet the demand for prisoner release. (The most common speculation was that they were assembling to make their final decisions when they were seized by the police.) Sendic also insisted that he was no longer in a position to influence the outcome and demanded to be treated like a prisoner of war. Early the next morning, police finally pieced together captured letter fragments (discussed in Sec. IV), which revealed that some MLN leaders might eventually accept mediation and might compromise on the number of prisoners to be released.

Meanwhile, the Tupamaros sent Communique #7 to the police, who never made it public. It said that any inflicting of death or torture or any filing of accusations against the captured leaders would lead to severe reprisals.

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lead to chaos. They also argued that the Tupamaros were unlikely to take extreme measures against their victims because such measures would be stupid and would cost them public support.

The interrogations were monitored by judges of the Superior Court, and the terrorists were examined by physicians before and after questioning, to assure that no torture took place. On August 7, the GOU sought and received permission from judicial authorities to use pentothal and then sent for Argentine police experts, who arrived the following morning, August 8. Upon arriving, the Argentinians were surprised to read a disclosure of their mission in the Sunday newspapers, and to learn about the judicial monitoring. Since they had come under conditions of secrecy, they refused to proceed and returned to Argentina after witnessing an interrogation of Sendic. In their opinion, he was treated too gently, with interrogation conditions made extremely difficult by the presence of outside legal and medical assistance. In fact, the prisoners were treated very well, and the press was kept so informed.

While the government continued its hard line, local religious leaders posed alternatives. They organized a meeting of the diplomatic corps at the Nunciatura on August 7. On grounds that the protection of foreign representatives was the responsibility of the entire GOU, objections were raised against GOU public statements to the effect that the kidnapping was entirely a police matter. The religious leaders decided not to send any note to the government; instead, they approved a public appeal to be issued through the Nunciatura to the news media that evening. The appeal called on all parties to arrive at a humanitarian solution and reiterated the Nuncio's readiness to serve as an intermediary.

Afterwards, a Foreign Ministry official acknowledged the good intentions but noted that some passages implied interference in internal matters of the country. Later, however, the Foreign Ministry asked the Nunciatura to make it known that the government was providing additional policemen to guard ambassadors and their embassies.

Independently, several priests and their associates offered the unique proposal that Mitrione be exchanged for important political prisoners held elsewhere, such as Regis Debray or Ciro Bustos in Bolivia, so that the Uruguayan government could maintain its constitutional position without tarnishing its international prestige.

Their appeal also called for an extension of the midnight deadline so some such formula might be worked out.

The deadline passed as the prisoner interrogations continued. Early on the morning of August 8, the Tupamaros left Communique #8 in a downtown bar for delivery to a local radio station. According to the communique, the kidnapped diplomats were still alive. The communique warned that their condition would be determined by the treatment given to the Tupamaros arrested the previous afternoon. It stated that the diplomats "will receive the same physical treatment as our arrested comrades" and charged that the government "has full responsibility in this situation." Referring to the unpublicized seventh communique, this statement warned that any accusations, torture, or deaths would bring reprisals.

During the morning, a note from Mitrione was delivered anonymously to the office of the President. Directed to Mitrione's wife, the note was written in a shaky hand that indicated considerable emotional deterioration. It contained the key phrase, "Please advise the Ambassador to do all in his power to get me liberated *because my life depends on it.*" Families of the other victims also received letters on August 8. In a letter to his wife, the Brazilian Consul told her to urge the Government of Brazil (GOB) and the Brazilian Ambassador to convince the GOU to accept the MLN proposal for exchange of prisoners. Claude Fry simply reassured his wife that he was all right.

Then, in the afternoon, the Tupamaros notified a radio station that Communique #9 could be found in a certain place on a downtown street. The communique ordained that in view of the government's refusal to exchange prisoners, the MLN had decided to execute Mitrione at noon the next day, Sunday.

While police confirmed the authenticity of the communique, government authorities held another high-level meeting that afternoon. Afterwards, the Foreign Minister informed newsmen that the government position was unchanged, even though the situation had deteriorated. The Interior Ministry declared, in a new official communique, that the government was taking all measures available to secure the diplomats' release; it exhorted the population to help the police search for the criminals, and it appealed to the abductors to relinquish their course

of action. Privately, officials still expressed doubt that the Tupamaros would indeed execute their captives.<sup>11</sup>

Making last-minute efforts to break the impasse on August 9, the President himself reportedly summoned Sendic to his residence for interrogation and discussion. Moreover, Sendic was taken to court before a judge, Dr. Manual Dias Romeu, who reportedly also tried to negotiate. Sendic, however, disclaimed participation in the kidnapping affair and denied having any knowledge of the victims' whereabouts.<sup>12</sup>

As the execution deadline passed, the government adopted dictatorial measures. Anonymous calls kept announcing Mitrione's death and the issuance of Communique #10; the Interior Ministry therefore declared partial press censorship, with press agreement, so that no reports about the kidnapping were disseminated without prior approval of a special government office. All university classes were suspended for the following day by government decree. And in the evening, the Executive branch requested consent of the Legislature to suppress all individual rights and guarantees under special Article 31 of the Constitution--a request that would be granted the next day. Meanwhile, the police arrested another nine known Tupamaros, and senators suggested the death penalty for crimes such as kidnapping.<sup>13</sup>

Meanwhile, throughout August 9, false rumors and calls that prematurely announced Mitrione's death led to a wave of popular indignation and outrage during the afternoon. During several raiding

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<sup>11</sup>According to retrospective conjecture, one possible cause of Mitrione's execution may have been the arrest of the moderate Tupamaro leaders and their replacement by more criminal or action-minded leaders in the MLN decisionmaking process. This hypothesis was placed in doubt, however, by the subsequent discovery of good communication links between Tupamaros at large and those in prison.

Uruguayan security officials later expressed the view that the Tupamaros at large always planned to kill Mitrione, that the execution decision had already been taken when the leadership group was captured on August 7, and that they were in part meeting to ratify the decision.

<sup>12</sup>Police, meanwhile, circulated the rumor, never confirmed, that Sendic might in fact have been turned in by rival leaders within the Tupamaro organization, which had its own internal factional differences.

<sup>13</sup>Uruguay had no death penalty. The maximum sentence for any crime was 30 years.

operations, people filled the streets, cheering and applauding policemen as they placed suspects under detention. This early evidence of popular reaction, however, did not deter the kidnappers from the execution.

Policemen found Mitrione's body at 4:15 a.m. the next morning, August 10, shoved onto the rear floorboard of an automobile stolen the previous evening. He had been shot several times at close range. U.S. Public Safety advisers, including two experienced homicide detectives, rushed to the scene. Their immediate examination of the body showed that he had been executed as little as 15 minutes before his body was discovered.

The first official autopsy was performed by a Uruguayan coroner who was known to be an extreme leftist. He claimed that the time of death was about noon the previous day, giving credence to the specifics of MLN Communique #9 for Mitrione's execution at that time.<sup>14</sup> However, the Public Safety advisers concluded without doubt that death must have occurred at or shortly before 4:00 a.m., well after the Tupamaro deadline.

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<sup>14</sup>A further issue was Mitrione's original gunshot wound. The Tupamaro communique claimed the entrance wound was in the chest, and the exit point in the left armpit--a claim that was supported by the coroner's autopsy. Examination of clothing and the wounds led Public Safety advisers to conclude, however, that the entrance was in the left armpit, the exit in the chest.

### III. THE TERRORISTS' VIEW OF EVENTS

The terrorists' perception of events is described in two documents: a secret letter discovered before Mitrione's death, and a major interview circulated widely some months later to justify the ongoing Tupamaro campaign.

When the Tupamaros initiated the operation, they thought it would be possible to succeed in spite of President Pacheco's hard-line position: "He would either have to change his position or resign, in which case the negotiations would be carried out with his successor." Indeed, they felt that Pacheco would become isolated and vulnerable to "forces that had been hurt" in the educational sector, certain economic sectors that were faring poorly, and political sectors that "want to bring a certain stability to the country on the basis of negotiations with the Tupamaros." Even so, these political sectors were ultimately considered "alien to the steps and objectives of the Movement" over the long run.

The Tupamaros saw that foreign and domestic pressures on the government began immediately after the kidnapping, leading to a "crisis in the power structure." In particular, Giambruno, the Director of the Foreign Policy Department of the Foreign Ministry, preferred adoption of a flexible response but was rebuked by the President. Next, Vice President Abdala began talking about pacification and amnesty. This happened even before the Tupamaros had issued any communiqus.

Then, with "the crisis in the power structure going full force" between the hard-liners and the pro-exchange groupings, the MLN issued a communique that set a time limit. "This was to sharpen the contradictions in the government, which may even result in the downfall of Pacheco. We increased the pressure with a third kidnapping: that of Fly."

Fly was seized on August 7. On August 5, one Tupamaro leader wrote a secret letter to another, indicating a belief that time was on their side and that a long-term operation was to their advantage. "The tactic of maintaining silence now is the best demonstration of strength,

especially since the government is apparently trying to delay any actions hoping the organization will set a fixed time to resolve the problem. The government sees nothing more than the aspect of the ransom and does not realize that the duration of the impasse benefits the MLN politically." However, the leadership was not rejecting mediation: "We think that for the time being you cannot weaken, but we do not turn away those that can come and mediate, since they may be useful in the future." Moreover, negotiation and even compromise over the number of prisoners to be released was possible, with freedom for 100 mentioned as a goal. For the time being, a new abduction was not thought to be necessary, but one "might be if the noise calms down or the expected international wave diminishes." Nevertheless, the letter stated, execution of the hostages should be threatened as a means of applying further pressure, and indeed "the authorities and especially the Embassies ought to understand clearly the fact that if you have to hold the captives for a long time they will be executed."<sup>1</sup>

After the kidnapping of Fly, the author of the letter felt that "we had reached the most favorable stage in the crisis from our point of view, and the release or amnesty of our comrades seemed near." Even the downfall of Pacheco seemed imminent to the Tupamaros. But then, an important group of leaders was arrested, including the presumed writer of the letter, Raul Sendic. This roundup served to bolster Pacheco's position and "pushed the scales toward nonacceptance of the exchange proposals." Thus the kidnapping resembled a chess game "in which the capture of a chess piece results in a change of tactics by both sides."

Yet Pacheco's policy stance was seen as "not at all that firm as it was made out to be." Even while Pacheco was refusing to negotiate, a minister who must have been acting on Presidential orders proceeded to negotiate with the imprisoned Tupamaro leaders. He proposed the release of student prisoners and ordinary court trials for the remainder, in exchange for the release of the diplomats. Then Judge Diaz Romeu made another try at negotiation, requesting from Sendic a 72-hour extension of the execution deadline. "The effort failed because of the refusal of Colonel Rivero, the Police Chief."

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<sup>1</sup>Quotes in this paragraph are taken from the translation of a captured letter to "Mariano," dated August 5, 1970.

In the aftermath, the Tupamaros judged that the government's final refusal to negotiate stemmed from the feeling that, as a result of the apprehension of the major Tupamaro leaders, there now existed a possibility of destroying the MLN. Accordingly, the Tupamaros blamed Mitrione's death sentence on the Uruguayan government and the U.S. Embassy, calling it a deliberate sacrifice, part of a plan to justify repression and to eliminate the MLN as a political force.

For its part, the MLN revolutionary tribunal decided to sentence Mitrione, partly because of his presumed criminal record as a CIA-AID police adviser "in the art of mass repression and torture." Yet this "was not even the most important of the factors involved, because otherwise we wouldn't have proposed his exchange." While casting blame on the Embassy, the Tupamaros argued that "the carrying out of this sentence implies a responsibility of the Movement not only to its people but to the other revolutionary movements of Latin America, as well. . . . The kidnapping-exchange method must be carried to its logical consequences in order to save it as a tool." Even so, the Tupamaros soon realized that the Mitrione execution represented a blow to the organization because the popular response was one of revulsion.<sup>2</sup>

Later, a major non-Uruguayan theorist of urban guerrilla warfare, Abraham Guillen, criticized the Tupamaros for their handling of the Mitrione case: While diplomatic kidnapping of individuals like Mitrione is tactically useful, he said, in this case the Tupamaros "not only failed to accomplish a political objective, but also suffered a political reversal in their newly acquired role as assassins--the image they acquired through hostile mass media." Guillen described an alternative scenario to execution as a response to government obstinacy: taping Mitrione's confessions, giving the story to the press, sending documentation of CIA links to Senator Fulbright and thereby to the U.S. Congress, in order to gain world support. "Once the Uruguayan government had lost prestige through this publicity, the Uruguayan press might be asked to publish a manifesto of the Tupamaros explaining their

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<sup>2</sup>"If There Isn't a Homeland for ALL, There Won't Be a Homeland for Anybody: Tupamaros," *Tricontinental*, Vol. 57, December 1970, pp. 2-17.

objectives in the Mitrione case. Afterwards his death sentence should have been commuted out of respect for his eight sons, but on condition that he leave the country. Such a solution to the government's refusal to negotiate with the guerrillas would have captured the sympathies of many in favor of the Tupamaros.<sup>3</sup> Instead, because of their kidnapping and other tactics, the Tupamaros came "perilously close to resembling a political Mafia."<sup>4</sup>

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<sup>3</sup> Abraham Guillen and Donald C. Hodges, *Philosophy of the Urban Guerrilla: The Revolutionary Writings of Abraham Guillen*, William Morrow and Company, Inc., New York, 1973, p. 270.

<sup>4</sup> *Ibid.*, p. 271.

#### IV. THE BRAZILIAN LINKAGE

Description and analysis of the Mitrione case is complicated not only by the intricate domestic impact of the incident, but also by the Brazilian involvement resulting from the abduction of Consul Aloysio Dias Gomide. Indeed, the Tupamaros did not separate the fate of Dias Gomide from that of Mitrione until a week had passed. To provide further insight into the context for the U.S. policy, therefore, this section highlights the major Brazilian actions that were taken into consideration by U.S. officials. The Brazilians leaned toward concessions, although the neighboring Argentine government supported the GOU hard-line policy.

Whereas the American Embassy had very little communication from the kidnappers, the Brazilian Embassy received numerous phone calls, apparently from Tupamaros, about bargaining conditions. Monetary ransom as well as prisoner exchange was proposed--and in addition, the callers recommended that the GOB pressure the GOU to accede.

The Brazilian Ambassador maintained close contact with his American counterpart right from the beginning. Thus U.S. Ambassador Charles Adair learned early on August 1 that the following Brazilian government instructions were to be presented orally to the Uruguayan Foreign Minister: (1) The GOB trusts that the GOU will do everything in its power to resolve the kidnapping of Dias Gomide; (2) the Dias Gomide kidnapping is a crime that is strictly a matter for Uruguay to deal with; (3) the Brazilian Ambassador in Montevideo is to receive no communication from the kidnappers. The Brazilian Ambassador was further instructed by his government to keep in close touch with the U.S. Ambassador on the kidnapping.

The GOB appeared very sensitive about the consequences of exerting any type of external pressure on the GOU because of offers of help and other unwelcome pressures that had been exerted on the GOB by the West German government after the kidnapping of German Ambassador Ehrenfried von Holleben in Brazil in June 1970.<sup>1</sup>

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<sup>1</sup>Montevideo Embassy Telegram 1512, 1 August 1970.

On the afternoon of August 1, the Brazilian Ambassador informed Adair that he had been instructed to present a President-to-President note to the Uruguayan government, formalizing points already expressed orally. The Brazilian Ambassador said that the formal note was not his idea and that he believed, in agreement with Adair, that the moment was inopportune for pressure tactics.

The note, which was delivered that afternoon, focused on only the first point above. This modification of intent was interpreted by Washington as representing a stiffening of the GOB attitude.<sup>2</sup>

While the GOB thus originally took the line that the kidnapping was an internal Uruguayan matter, by August 3, Brazilian Foreign Minister Gibson Barbosa was privately expressing consternation that the GOU would not negotiate with the kidnappers. The Brazilian government had carefully refrained from placing overt or publicized pressure on the Uruguayans, keeping in mind the counterproductive effects of Prime Minister Willy Brandt's pressure during the von Holleben kidnapping. Yet it fully expected the GOU to pay the necessary price. Thus the Brazilian Foreign Minister said that "it would be extremely difficult to justify to Brazilian public opinion--or even to certain elements of the Brazilian government itself--the fact that Brazil had on repeated occasions surrendered custody of large numbers of prisoners in order to save the lives of foreign diplomats if, now that a Brazilian diplomat was in danger, a friendly neighboring country refused to do likewise." Thus, although Brazil had no AID-type program in Uruguay, the failure of the GOU to cooperate might influence Brazil's relationships on many pending matters of mutual interest, such as definition of the border.<sup>3</sup> (The U.S. Embassy confirmed, however, that no serious boundary issues existed.)

On August 4, *Jornal do Brasil* published an article that was taken to reflect Brazilian Foreign Office views. The newspaper reported considerable aggravation over Dias Gomide's fate and hypothesized that

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<sup>2</sup>Montevideo Embassy Telegram 1512, 1 August 1970.

<sup>3</sup>Memorandum for the Files, from USOAS-Ambassador Jova, 3 August 1970. It should also be pointed out that the press and legislative sectors were arguing strongly in favor of negotiations, while criticizing GOU conduct.

President Pacheco, responding to "radical" pressures, might refuse to negotiate with the kidnappers. The paper added that the GOB's actions in recent diplomatic kidnappings gave it a good moral basis for seeking to have the GOU adopt a similar humanitarian attitude. However, the article continued, Brazil must remain coherent with the principle that any decision to negotiate is the responsibility of the local government and that external intervention is inadmissible, whether in the form of direct negotiation with the terrorists or in form of pressures to influence opinions. The Brazilians were hopeful, nevertheless, that President Pacheco would not use the father of six children as a guinea pig to test the principle of no negotiation with terrorists, as defended by radical Uruguayan sectors.<sup>4</sup>

Meanwhile, the Defense Attaché's office in Rio learned that Brazil had reportedly stopped actions on the loan of ten T-6 aircraft to Uruguay, as a result of the recent kidnappings there. If the incident was not settled to Brazil's satisfaction, the loan of the T-6s might never take place.

On the morning of August 7, with the deadline for passing sentence set at the coming midnight, Brazil's President sent a second letter to the Uruguayan President. It expressed the most profound preoccupation over the kidnapping and urgently appealed that no effort be spared in finding means to preserve the life and physical well-being of the Brazilian diplomat. Later the same day, Brazilian officials became concerned that the police apprehension of top Tupamaro leaders essentially eliminated the most suitable communication links. It was reported that only the delicacy of the situation was restraining the Brazilians from considering pressure against the GOU in order to break the deadlock over the lack of dialogue with the Tupamaros. A Reuters dispatch stated, in fact, that a Brazilian Army brigade was placed on alert along the Uruguayan border because of dissatisfaction with the course of the kidnapping.

On August 8, the Brazilian government evacuated the dependents of its diplomatic mission in Montevideo. Conversations between U.S. officials and Brazilian generals on August 9 confirmed that the

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<sup>4</sup>Rio de Janiero Embassy Telegram 5537, 4 August 1970.

Brazilian Army was on a major alert posture in Rio Grande do Sul garrisons and on modified alert as far north as Rio de Janeiro. The main purpose of the precautions was to guard against movement into Brazilian territory by Uruguayan extremists or Brazilians with subversive motivation. A less pressing rationale for the alert was preparedness in the event the Uruguayan government "calls for show of Brazilian support to avoid anarchy and civil war." A Brazilian general volunteered that the Argentines were also vitally interested in avoiding a Communist takeover of Uruguay and that such a contingency would not allow for OAS action. All the Brazilian generals interviewed were pessimistic over the outlook for Uruguay and were somewhat disdainful of the Uruguayans and their system of government.<sup>5</sup>

On August 9, as the death sentence hung over Mitrione, Brazilian Ambassador to the United States Mozart Valente called the Acting Assistant Secretary of State in Washington to report that his superiors had concluded the situation was deteriorating as far as the authority of the government was concerned and that the GOU President, by his own admission, was helpless, hopeless, and impotent. Moreover, the Brazilian Foreign Minister had alleged that the GOU was infiltrated by Tupamaros and that even Judge Pereyra was in fact a Tupamaro member. Thus the GOB was putting pressure on the GOU for relying on formal and legalistic positions and thereby not doing all that it could to effect the release of the kidnapped diplomats. The GOB complained that though the Tupamaros' demands were excessive, the GOU had not appealed to the kidnappers for other conditions, nor had they established direct or indirect contact. In light of these circumstances, the Brazilian Ambassador reported that the GOB was evacuating all Brazilian diplomatic consular and official families from Uruguay. Brazilian public opinion was also rising against Uruguay. The Ambassador called the present situation with Uruguay very, very grave and asserted that relations with Brazil would be severely affected if Dias Gomide was murdered.<sup>6</sup>

Mitrione was killed the next morning, but no similar fate befell Dias Gomide. He was held another six months, then released on February 21, 1971, after payment of a monetary ransom, ostensibly by his family.

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<sup>5</sup>Rio de Janeiro Embassy Telegram 5657, 9 August 1970.

<sup>6</sup>State Telegram 128639, 9 August 1970.

## V. THE AMERICAN RESPONSES AND ROLES

As soon as word of Mitrione's kidnapping reached the U.S. Embassy, officers proceeded to organize a command post in the offices of the U.S. Military Group. It was soon moved to the offices of the U.S. AID Director. All units of the Embassy immediately began coordinating their efforts and information through the command post.<sup>1</sup>

A task force meanwhile was assembled in Washington. It included Under Secretary of State William Macomber and the two Deputy Assistant Secretaries for the Bureau of Inter-American Affairs, Robert Hurwitch and John Crimmins. The Brazilian and Guatemalan desks, already quite experienced in handling diplomatic kidnappings, drafted the following guidance for the Uruguayan desk and higher officials:

The most important function of Washington seems to be to provide moral encouragement to the Ambassador. It is a local problem and is handled solely in the field by the respective Mission and government.

USG policy seems to imply that an officer, while overseas, is strictly on his own and accountable for his personal safety. Because of this policy, no "leaning" on the GOU is done here in Washington. If "leaning" has to be performed, it is done by the Ambassador. Therefore, it is important that we inform the Ambassador of our support for any actions he takes. We must assure him that we will back up all his actions. Under no circumstances should we take the initiative with regard to U.S. police assistance. Until there is a specific request for help from the GOU, we should express full confidence in the GOU's handling of the case.

We should not give the GOU any opportunity to throw up their hands and say, "You know so much, you take over the case. We are washing our hands of the whole affair and will assume no responsibility for the safety of your men."

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<sup>1</sup>The stationing of two Public Safety advisers in Uruguayan police offices and the general participation of the Public Safety team is discussed in Sec. III. One adviser sent from Washington, Peter Ellena, initiated the keeping of a chronological log of police and political events that has proven very useful for reconstructing the history of Uruguayan kidnapping cases.

All public statements should contain our continuing confidence in the GOU--no matter what is going on behind the scenes. When there is a ransom note and/or demand which would result in the officer's release, it will go to Mr. Macomber and his task force for action.<sup>2</sup>

This guidance was generally followed during both the Mitrione and Fly cases, as the Embassy kept field control. Indeed, as of August 1, the State Department was not sending direct instructions because the Embassy was closer to the action: The Department had confidence in the Embassy's handling of the situation and awaited its recommendations.

Ambassador Charles Adair held his first meeting with Foreign Minister Peirano Facio soon after the kidnapping and the delivery of the Tupamaro communique on July 31. During their discussion, Adair learned that GOU officials doubted the authenticity of the MLN note, even though it was accompanied by personal effects. These GOU officials insisted that they should have something more concrete and direct before showing their hand; otherwise they could respond only indirectly through the press. Though not certain that his analysis of a pending communications impasse was correct, as it proved to be, Adair quickly became concerned about the possibility that "precious time could be lost in waiting for additional word from the kidnappers."<sup>3</sup>

Close to midday on August 1, the Ambassador reviewed the situation with Washington by telephone and expressed the opinion (accepted in Washington) that despite the emerging communications impasse, pressure tactics would not be productive at this time in dealing with the GOU. Instead it was agreed, at Hurwitch's suggestion, that the Embassy should emphasize the humanitarian angle of Mitrione's gunshot wound in local and international press dealings, and discreetly inspire the local Red Cross and other medical/humanitarian groups to also stress the humanitarian angle in press statements. Once proper State Department authorization arrived on August 2, the Embassy quickly made contact with

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<sup>2</sup>"Guidance from the Brazilian and Guatemalan Desks (Wiggins and Lippincott)," ARA-LA/APU, July 321, 1970.

<sup>3</sup>Montevideo Embassy Telegram 1516, 1 August 1970.

the local press, radio, and television and suggested that the media make independent contact with the local Red Cross, emphasizing the inhumanity of refusing to release a wounded father of eight children.

That afternoon, the Brazilian Ambassador informed Adair of a forthcoming GOB note to President Pacheco. Adair concluded that it might be well for the United States to send a similar note in order to be on the record. He therefore recommended that the State Department instruct him to present a formal note expressing deep concern over the matter, as well as confidence that the GOU was making every possible effort to secure Mitrione's release. To minimize loss of time, the Ambassador also requested authorization to speak to the Uruguayan Foreign Minister: "It seems evident GOU is withholding decision regarding communication with kidnappers pending receipt of more direct word from kidnappers. It also appears possible that kidnappers relying upon 'MLN note' believed the next move is up to GOU . . . if latter were true, impasse may have been reached wherein precious time would be lost unnecessarily." In light of the presumed authenticity of the note and the danger to Mitrione, the Ambassador further suggested that "word be gotten to kidnappers through the press or other effective means that government willing to communicate and receive further word from kidnappers; that this could be done perhaps without mention at this moment of 'negotiation' or 'ransom.'" Adair had no further recommendations. He indicated that Washington might eventually have to make a decision on pressure tactics. He also pointed out that if the GOU ransomed political prisoners, it would represent a change of policy that would likely encourage local terrorist groups to use kidnapping more frequently, thereby considerably increasing the future risk to Embassy staff members.<sup>4</sup> Thus Adair worked to promote communications without also pushing for negotiations or concessions.

The Department quickly approved Adair's recommendations for a note and oral demarche that the United States was deeply concerned over the kidnapping and expected the GOU to do everything "possible and practical to secure Mitrione's safe return." The Ambassador should refrain from going beyond his oral points "until situation is sufficiently clear to

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<sup>4</sup>Montevideo Embassy Telegram 1516, 1 August 1970.

enable us to determine whether we wish to exert any pressure. Hopefully your conversation with the Foreign Minister will repair apparent breakdown in communication."<sup>5</sup>

The next morning, August 2, before the arrival of the next MLN communique, the Ambassador delivered to the Foreign Minister a note from the Embassy. It conveyed deep concern and expressed certainty that the GOU "is well aware of the responsibilities of governments under international law to offer the fullest protection and safeguard to representatives of foreign states accredited to them." Moreover, it expressed equal confidence that the GOU "is now making and will continue to make every effort to assure the life and safety and early return of Mr. Mitrione."<sup>6</sup>

At the same time, the Ambassador verbally raised concern over the possible impasse in communications. The Foreign Minister confirmed the GOU's reluctance to reply to the "MLN note," because the note did not contain any specific ransom demand. In previous kidnappings, both in Uruguay and in Brazil, the kidnappers had made more direct and definite contact with the government. The absence of such direct contact had the GOU puzzled, and it did not believe that it could respond until it knew what it was responding to. Peirano also claimed that there could be some requests that the GOU could consider, while others, such as a demand for the resignation of the President, were obviously beyond consideration. Moreover, the GOU had heard rumors that the MLN was looking for another kidnap victim to give it more bargaining strength, providing a further reason for GOU caution.

Several times, the Foreign Minister said that in view of the fact that no specific demand had been made, the question of ransom was still undecided. He indicated that it "would be one thing" if the MLN required the release of prisoners held under emergency security measures previously decreed by the President--but if the demand was for prisoners already legally tried and jailed and therefore under control of the Judicial branch, there was no law that would enable the Executive branch to release them. "We would have to pass a new law."

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<sup>5</sup>State Telegram 124309, 2 August 1970 (underlining in original).

<sup>6</sup>Montevideo Embassy Telegram 1521, 2 August 1970.

The U.S. Ambassador also raised the delicate issue of rumors he had heard that there was some feeling within the police that not everything was being done to find Mitrione because of various fears, including infiltration. The Foreign Minister said he would pass this on to the President, noting that one of the main problems was the existence of so many conflicting rumors. He was in agreement, however, that the two ambassadors must feel free to talk about anything, even such matters. The U.S. Ambassador finally indicated a desire to call on President Pacheco to review the same ground.<sup>7</sup>

Later in the day, President Pacheco sent a cable to President Nixon. It pledged that the GOU would make a full effort, "using all means at our disposal," to secure Mitrione's liberation.

After the afternoon delivery of his second note concerning Mitrione, the Ambassador refrained from making any public appeal or statement. Such an initiative might tend to put the Embassy in the position of negotiator or might otherwise complicate activities that the GOU might be undertaking. The Ambassador also postponed his request for an immediate meeting with President Pacheco, who was closeted in cabinet meetings.

At 8:00 that evening, the Ambassador held another meeting with the Foreign Minister to learn when the GOU would be prepared to indicate its position, now that the MLN had demanded a specific ransom. Deeply concerned with the unprecedented enormity of the MLN request, the Foreign Minister said that the President would obviously have to undertake extensive consultations with his military commanders and some political leaders, for accession to such demands would provoke especially strong reaction from the military. He thought the soonest a decision could be reached would be the following evening, August 3, or the next day, August 4.<sup>8</sup>

Ambassador Adair then arranged to meet with President Pacheco. During a 40-minute discussion on the morning of August 3, Adair reviewed the U.S. position and inquired about the GOU's prospective response to

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<sup>7</sup>Montevideo Embassy Telegram 1522, 2 August 1970.

<sup>8</sup>Montevideo Embassy Telegram 1528, 3 August 1970.

the MLN demand. The President observed that the MLN messages had not been directed to any state institution or office, but rather were aimed at Uruguayan society as a whole. Thus the demands amounted to a blackmail effort against the entire Uruguayan nation. Moreover, the demands were so unreasonable that the MLN appeared to be deliberately seeking the impossible. The President felt that the kidnappers' current request was only their first move and that they would to make follow-on, presumably less extreme, requests. Nevertheless, since the kidnappers had refused to direct their demands specifically to the GOU, and since the Montevideo police had primary responsibility for the affair, the Interior Ministry would shortly issue a communique that would represent the GOU response for the time being.

Adair inquired about any possible indication of GOU willingness at least to communicate with the terrorists. This would avoid an impasse without also indicating any willingness to accede to MLN demands. The President responded that his government planned no such response. His own position would appear in the Interior Ministry's communique, for the kidnappers had made no effort to communicate with any part of the GOU.

After the meeting, Adair commented that the situation might not be as far advanced as the Foreign Minister had indicated the previous night. In Adair's view, GOU officials evidently judged that the MLN demands were so impossibly high that they provided no basis for negotiation or direct reply. Consequently, the GOU found it necessary to respond indirectly by an appeal to the public through the Interior Ministry. This decision probably reflected strong feeling within the military against any direct Presidential reaction that might hint of weakness or willingness to capitulate.

Indeed, Embassy officers had learned that morning that leading GOU military officers were strongly opposed to concessions. The military officers expressed the opinion that if the President capitulated, they would not stand for it, inasmuch as capitulation would represent the end of any law and order in the country.<sup>9</sup>

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<sup>9</sup>Montevideo Embassy Telegram 1534, 3 August 1970.

That evening, August 3, after the release of the Interior Ministry communique, the Ambassador met again with the Foreign Minister. Peirano doubted that the communique represented a final reply and added that the government now expected the kidnappers to deliver a new note, harder in tone and including a time period and threat.<sup>10</sup>

In accordance with recent State Department instructions, Adair expressed appreciation for advance notice on the communique and requested that he be advised of any further GOU decision or action prior to public announcement--with enough warning to allow him to consult the State Department, get its views, and relate them to the GOU before any public announcement. In addition, the Ambassador suggested the use of intermediaries to open lines of communication with the kidnappers, particularly to try to avoid any precipitate action that could jeopardize Mitrione's life.<sup>11</sup> The Foreign Minister agreed to raise both points. (By this time, the local Papal Nuncio had already offered his services.)

Meanwhile, back in Washington, Crimmins acquired new information during a visit from Uruguayan Ambassador Luisi on August 4. Luisi, while not expressing a strong stance for or against a no-negotiations policy, believed that GOU capitulation would (1) destroy Pacheco personally and politically, forcing his resignation or overthrow by the military; (2) cause Pacheco to be replaced by an ineffective military government for several months, during which time the old-line politicians would maneuver to gain favor with the Tupamaros; and (3) result in a new GOU that would either accommodate to or be led by the Tupamaros. Luisi himself was firmly opposed to negotiating with the kidnappers or releasing prisoners. He noted, however, that if the arms cache discovered on August 3 were large and were identified as coming from the Naval Training Center raided the previous May, the GOU's position would be strengthened vis-a-vis the MLN. This might be more conducive to a magnanimous posture on the part of the GOU than would a position of weakness. (However, reports indicated that the arms cache was small.)

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<sup>10</sup>Montevideo Embassy Telegram 1547, 3 August 1970.

<sup>11</sup>State Telegram 124818, 3 August 1970.

position of weakness. (However, reports indicated that the arms cache was small.)

Luisi also wanted to learn whether the U.S. government was planning to apply pressure on the GOU to free the convicted and/or detained terrorists in return for Mitrione's release. Crimmins stressed that his government was basically in an expectant posture, waiting for definition of the GOU position and relying on GOU assurances that it would do everything within its power. Crimmins pointed out, however, that the long-standing humanitarian and democratic traditions of respect for human life had contributed much to Uruguay's international image. By at least indicating a disposition to deal through intermediaries, for example, the GOU would help maintain this image and perhaps soften domestic political repercussions. Moreover, a negotiated arrangement that reduced the MLN price might meet GOU needs by demonstrating GOU firmness and at the same time reflecting fidelity to Uruguayan traditions.

In response to Ambassador Luisi's statement that the GOU's situation prevented it from taking the measures that a strong, more cohesive Brazilian government had taken, Crimmins observed that the GOB had in fact experienced very difficult internal stresses, yet it had decided to accede to demands because of its regard for human life and its responsibilities toward representatives of other governments. Brazilian public opinion had responded positively to the GOB stance.

In his report of this conversation to the U.S Embassy, Crimmins asked for an appraisal of possible consequences to the GOU of its various options. These were identified as acceptance of MLN terms; negotiations to reduce terms, leading to release of some prisoners; rejection of release of prisoners after negotiation; and flat rejection of negotiations for release of prisoners or other options.<sup>12</sup> On the evening of August 4, the Washington team suggested to Ambassador Luisi that, at his discretion, he propose that President Pacheco personally explain the consequences of terrorism for Uruguayan society and publicly call upon the people of Uruguay for full-scale public cooperation in finding Mitrione and the other kidnap victims.

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<sup>12</sup>State Telegram 126293, 5 August 1970.

Adair met with the Foreign Minister at midday, August 5, to discuss this latest suggestion and other matters. He used the meeting to convey possible ideas for securing greater popular assistance to police efforts, i.e., offering monetary rewards for information and putting up public wall posters. He once again suggested the possibility of a public statement and appeal by President Pacheco or a member of his administration regarding the consequences of terrorism. The Foreign Minister agreed to pass these ideas along. Finally, the Ambassador expressed concern over charges in the leftist press and among some radical nationalist elements that the existence of the U.S. AID Public Safety program was "secret" and that it amounted to "infiltration" and "spying" in police headquarters by the U.S. government. Adair was concerned about the possible effects such press stories might have on Mitrione's chances. He emphasized, however, that any Embassy involvement with rebuttal would be counterproductive. The Foreign Minister agreed that the matter should be handled by the GOU. Certainly, the Public Safety program agreements had been public knowledge since 1964.<sup>13</sup> The next morning, the police department publicly disavowed unwarranted intervention by AID personnel in its operations.

Adair then made his first public statement, appealing to the kidnappers on humanitarian grounds for Mr. Mitrione's release to a hospital for examination and treatment. His appeal followed similar appeals already made from Washington by the State Department press spokesman, one on August 3 focusing on Mitrione's medical condition and another on August 4 reiterating the deep concern of the U.S. government. These public appeals also pointed out that Mitrione had allergies to penicillin and penicillin-related drugs. The Ambassador had given a lengthy private background briefing to three press correspondents on August 3.

Meanwhile, the U.S. Defense Attaché reported that the Uruguayan military officers who had been canvassed so far were almost unanimously opposed to negotiation on any terms. What the military might do if

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<sup>13</sup>Montevideo Embassy Telegram 1575, 5 August 1970.

Pacheco capitulated was still vague. The consensus, however, was that a takeover was so far unthinkable. Instead, mass resignations could be expected, depending on the nature of any actual negotiations or concessions.<sup>14</sup>

During the early hours of August 6, a new MLN communique set the deadline for passing sentence on the hostages. In the morning, the Papal Nuncio requested a call from Adair. Adair responded and explained that the United States had not told the GOU that they should or should not negotiate. Rather, he said, "I had expressed our concern over an impasse and loss of time and had stressed the importance we attach to keeping open lines of communication." The Nuncio asked what he might do and offered to act as an intermediary. Beyond this possibility, Adair suggested that the Nuncio might also emphasize to the GOU the importance of open channels of communication, especially now that a deadline was set. The Nuncio did not commit himself to any particular action but prepared to sound out various members of the diplomatic corps.<sup>15</sup>

During a 40-minute meeting with the Foreign Minister on the afternoon of August 6, Ambassador Adair again focused on the communications impasse. The Foreign Minister now declared that no doubt there were many communications channels available for use. He felt the best-informed man was Vice President Alberto Abdala and suggested that Ambassador Adair contact him soon. The Foreign Minister did not imply that the Vice President himself was a Tupamaro, but rather that as an old political warhorse, occupying the Presidency of the Uruguayan General Assembly, his contacts and information were very broad, probably including people in touch with the MLN. Moreover, the Foreign Minister was currently convinced that the MLN did not intend to sentence Mitrione and Dias Gomide to death, even if the government refused to submit to current demands. According to his version, the Tupamaros planned to

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<sup>14</sup>Montevideo Defense Attaché Telegram 51095, 5 August 1970.

<sup>15</sup>Montevideo Embassy Telegram 1593, 6 August 1970. Adair sent an Embassy officer over to the Foreign Ministry to advise of his meeting with the Papal Nuncio, for he did not wish the Foreign Ministry to think that he had sought out the Nuncio for special purposes. Foreign Ministry officials reported back that the Nuncio's request caused no problems.

extract all information possible from the victims and then to publish as much derogatory information as possible. This would constitute the victims' sentence.

According to the Foreign Minister, the President was planning a major appeal to the country. However, since MLN demands stood pat, the Interior Ministry communique of August 3 still remained an official statement, and the government planned no further declaration beyond a Presidential appeal.

The Foreign Minister stressed again that continued Tupamaro insistence on release of all prisoners was an impossible demand. The government might not refuse to consider exchanging some prisoners, but there must be some parity. Two prisoners for two hostages might be acceptable, but a demand for even half the total number of prisoners would still be absurd.<sup>16</sup>

Picking up on Peirano's suggestion, late that afternoon, August 6, Ambassador Adair next met with the Vice President. The Vice President thought that the government communique of August 3 was in error, for it seemed to close the door to efforts that might have been developed to negotiate. Indeed, he revealed that the Foreign Minister had gone to see the President on August 3 to urge a more open stance--or at least willingness to reopen the dialogue. However, shortly after he arrived at the President's residence, the Ministry of the Interior issued its communique. The Foreign Minister was so upset he thought about resigning, but the Vice President counseled him not to. Nevertheless, according to the Vice President, the MLN had no intention of murdering Mitrione and Dias Gomide at this point. Dias Gomide's position seemed the more precarious, since he was suspected of being an agent of Brazilian intelligence. The Vice President thought that the MLN intended to sentence the victims by publicizing allegations of their guilt; he even doubted that Mitrione's wound was real.

As if to lend credence to his beliefs about the MLN's intentions, the Vice President spoke at length about his long political career and the many contacts he had among the left. The Vice President referred to

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<sup>16</sup>Montevideo Embassy Telegram 1599, 6 August 1970. The telegram's reference to an Interior Ministry communique dated August 4 seems to mean the August 3 communique.

himself as a man of the "linea blanda," that is, an advocate of a policy of national reconciliation. He contrasted this to the hard-line position of the President and his advisers, which he believed had created anxieties and animosities where none should exist.

Ambassador Adair sensed, therefore, that the Vice President would be available as a communications channel to Tupamaro contacts.

Moreover, he was struck by the apparent close working relationship between the Foreign Minister (universally considered to be among the closest confidants of the President) and the Vice President (who had periodically been at odds with the President). This indicated that there might not be complete unity within the Pacheco Cabinet. The Ambassador did not share the Vice President's optimism over the safe return of Mitrione.<sup>17</sup>

The same evening, the State Department and the White House requested that Ambassador Adair deliver a message from President Nixon to President Pacheco immediately. In appreciation for Pacheco's earlier assurances that the GOU would employ every means available to secure Mitrione's release, President Nixon expressed his confidence that President Pacheco "will not foreclose any actions which could bring about the safe return of Mr. Mitrione to his family at the earliest possible moment."

Ambassador Adair was instructed to emphasize verbally the State Department's grave concern, now that the kidnappers had set a deadline, that time was extremely short for opening lines of communication with the MLN. The U.S. government had full confidence that the GOU could find solutions that would be consonant with basic GOU policies and interests. If appropriate, Ambassador Adair should draw on Crimmins' earlier comments to Ambassador Luisi on Uruguay's humanitarian and democratic tradition, and on the Brazilian government's capacity to respond to terrorist demands on humanitarian grounds.

The message from President Nixon paralleled the earlier one from Brazilian President Medici in firmness of tone and the expectation that everything in the GOU's power would be done to effect Mitrione's release. Indeed, "since U.S. officials were victims of kidnapping in

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<sup>17</sup> Montevideo Embassy Telegram 1604, 7 August 1970.

Brazil when [the] GOB first met kidnappers' demands, failure on our part now to take as definite a position as the Brazilians could risk adverse effects on our relations with Brazil."<sup>18</sup>

Meanwhile, by the time Adair had prepared for the Presidential visit, U.S. Embassy officers had apparently arrived at their conclusions in response to an earlier State Department telegram (126293) requesting an analysis of the options open to the Uruguayan government. They concluded that Pacheco's acceptance of the current MLN demand was a virtual impossibility. If such acceptance should be made, then Ambassador Luisi's earlier views of potential consequences (e.g., the overthrow of the GOU) were relatively valid, although a new government led by the MLN was most improbable.

The Embassy officers concluded that (1) a GOU initiative taken if an MLN initiative was not forthcoming would enable the GOU to say it did its best, if negotiations broke down; this would maintain the international image of the GOU as a reasonable and humanitarian government and would also demonstrate determination to the U.S. and Brazilian governments. (2) A flat rejection of negotiations for the release of prisoners, along with a refusal to establish communications, could lead to the execution of the two captives and would damage the international humanitarian image of Uruguay. It would strain relations with Brazil and the United States, and it would leave a feeling among Uruguayans and others that the GOU did not do everything within the realm of possibility. "If GOU flatly rejects negotiation or release of prisoners, it is likely MLN will execute two captives if for no other reason than to maintain credibility of its threats." The possibility seemed remote that the captives would be judged and found guilty and

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<sup>18</sup>State Telegram 126867, 6 August 1970. The Presidential message referred to Mitrione's continued "detention," possibly implying that his release would merit the release of those Tupamaros who were detained by the Executive rather than the Judicial branch.

The final quoted instruction to Adair suggests that the White House and/or the State Department was more concerned about collateral relations with Brazil than about exerting influence on the GOU for direct objectives. One wonders whether the GOB was pressing the U.S. government to be more aggressive toward Uruguay. Other reports indicate, however, that U.S. officials favored GOB pressure on the GOU as an indirect lever for getting the GOU to engage at least in communications with the Tupamaros.

then released. (3) If the GOU were to attempt negotiations and be rejected, its position at the time of the breakdown would be no worse than it was at this moment, and Pacheco's position would be the same or higher than it would be following an outright refusal to attempt negotiations.<sup>19</sup> In the end, the GOU took the second option, leading, as the Embassy analysis correctly predicted, to Mitrione's execution.

Ambassador Adair delivered the message from President Nixon to President Pacheco at 10:00 p.m. that evening, and using the broad range of arguments discussed above, he urged communications with the MLN so that points of view might be exchanged. If an exchange of views did not result in an acceptable solution, at least the GOU's position would not be worsened. On the contrary, it would show Uruguayans, Americans, and others that the door had not been closed, that a humanitarian effort to find solutions had been made. Adair also suggested that the public reaction might be adverse if communications were not forthcoming.

Finally, Adair stressed that there was no threat implicit in his visit.

This constituted the strongest U.S. effort to influence the Uruguayan President--and he proceeded to rebuff it. "President Pacheco read slowly and carefully through President Nixon's letter several times making no comment on it at first. . . . He did not see in it any effort by the U.S. government to force or exert pressure on Uruguay. He then asked whether he could consider the President's message as a private and personal communication to him or an expression whose text was intended to be made public." Adair said he would have to seek instructions on this matter. Then, "the President explained he had raised this point because he thought that in the hands of those who sought to create an impression of difficulties between the GOU and the U.S. government, some of the letter's phraseology might be susceptible to misinterpretation as indicating pressure [by the U.S. government] on Uruguay to force it to do what was not possible under Uruguay's constitutional norms. He repeated that he did not in any sense so construe the President's message but was concerned about its possible misuse. I again said I would seek to clarify this point immediately."

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<sup>19</sup>Montevideo Embassy Telegram 1605, 7 August 1970.

Pacheco further said that no one should assume that channels of communication were closed or did not exist. Indeed, the terrorists and the government had already publicly exchanged their views, in the terrorists' fourth and fifth communique and in the government's Interior Ministry communique. The latest MLN note rejected any negotiations along the lines suggested in the GOU communique. The President did not believe for one minute that other contacts were not in fact taking place at the present time. As President, he had not and could not authorize them, but he had no doubt that they had been and were being undertaken. Pacheco also said it was not at all clear that the terrorists planned violence against their hostages if the deadline passed before demands were met.

The President was fully aware of the actions Brazil had taken and insisted that the two governments were very different in nature. In Brazil, the military was the supreme organ of state. In Uruguay, he was President of the Republic and did not have powers to override other branches of the government.

After leaving the meeting, Adair saw no evidence of any immediate breakthrough, but he hoped Pacheco would be more receptive to conciliatory views to be presented to him the following morning by Vice President Abdala and a bipartisan group of legislators. Pacheco was clearly saying that he wanted President Nixon's message kept private, so Adair requested authorization as soon as possible to inform him that the U.S. government planned no public dissemination.<sup>20</sup> The answer arrived on August 8, with the State Department making clear "that it did not want to use possible, eventual release of the President's message as club over GOU head."<sup>21</sup>

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<sup>20</sup>Montevideo Embassy Telegram 1607, 7 August 1970.

<sup>21</sup>State Telegram 128604, 8 August 1970. In an earlier warning against assurances that the text might not be released later, the U.S. government was guarding against two basic contingencies: first, release as a result of intensified Congressional and media pressure about measures the United States was taking; and second, a tragic outcome that would oblige making public the record of U.S. government actions. The Department also said it would give the GOU advance notice if publication were to result from either of these contingencies.

The next morning, August 7, Fly was kidnapped and the police captured the nine (or, according to some reports, fifteen) top Tupamaro leaders. Ambassador Adair met with the Vice Minister of Foreign Affairs to express his shock and concern over the Fly kidnapping and stressed again the urgent necessity for communication between the local government and the kidnappers.

In the afternoon, the Vice President emerged from GOU meetings to inform the U.S. Embassy of what seemed to be encouraging news: He now believed that a further meeting with the Ambassador was not necessary. He was more convinced than ever that everything would turn out well-- that the Tupamaros would not murder the hostages even if the approaching midnight deadline passed without a change in GOU attitude toward the current ransom demand. Moreover, he reported, his meeting that morning with a group of legislators went well. Ambassador Adair, however, did not feel the same confidence as did the Vice President.<sup>22</sup>

That evening, Ambassador Adair proposed several new ideas to the Foreign Minister, now that the MLN leaders had been arrested. He suggested that the GOU might announce its willingness to grant amnesty to those MLN members not actually holding kidnap victims, in exchange for the victims' safe return. (This sounds like an early version of the Bangkok solution.)<sup>23</sup> The Foreign Minister said that his idea had already been considered. He went on to say that the GOU had scored a notable success in capturing MLN leaders, but the effect of that action on the safety of the victims could be argued with equal logic as being either favorable or unfavorable: It could work in the victims' favor by

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<sup>22</sup>Montevideo Embassy Telegram 1626, 7 August 1970.

<sup>23</sup>The Bangkok solution refers to safe passage out of the country in lieu of other demands. The term derives from the seizure of the Israeli Embassy in Bangkok in 1972 by four Black September terrorists who demanded that the Israeli government release 36 Arab guerrillas. Thai officials, with the help of the Egyptian Ambassador, persuaded the terrorists to drop their original demands and settle for safe passage out of the country. This compromise saved the hostages, freed the government from yielding to terrorist blackmail, and allowed the hostage-takers to get away satisfied with the publicity the incident gained them. (See Brian M. Jenkins, *Embassies Under Siege: A Review of 48 Embassy Takeovers, 1971-1980*, The RAND Corporation, R-2651-RC, January 1981.)

influencing MLN decisionmaking in the absence of key leaders, or it could jeopardize their safety by causing a panic reaction. The Foreign Minister said that before the successful police action was announced, however, most of those attending the morning Cabinet meeting felt optimistic that the MLN would not kill the hostages even though the GOU refused to accede to ransom demands. The kidnapping of Fly had been interpreted as a further indication that the MLN did not intend murder.<sup>24</sup>

The deadline approached. At 15 minutes before midnight, Mrs. Mitrione and the wives of the other two victims made appeals on radio and television for the lives of their husbands.

Ambassador Adair had visited the Papal Nuncio, at his request, at noontime, along with the Brazilian and Italian Ambassadors, to discuss a proposal for a meeting of the Diplomatic Corps to consider a joint appeal. Three points were suggested: (1) that the Nuncio, in the name of the Diplomatic Corps, should issue an appeal to the kidnappers to postpone the deadline; (2) that the Corps should appeal to the GOU to consider the kidnappings not just as a police matter but as a matter that encompassed broader responsibility concerning the welfare and the safety of foreign diplomatic personnel; and (3) that the Nuncio, in the name of the Diplomatic Corps, should speak on television, urging that a humanitarian solution be found through the cooperation of all parties. Ambassador Adair hoped that such points would be useful in at least delaying the deadline.<sup>25</sup> However, the meeting held later that afternoon and the subsequent radio and television appeal had no effect on the bargaining or communications impasse, nor did a special message sent by Pope Paul VI.

During August 8 and into August 9, the State Department and the U.S. Embassy began to consider final options and ideas. Though the record is unclear, because of a lack of available documentation,<sup>26</sup> it appears that Adair passed some ideas to the Foreign Minister during a

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<sup>24</sup> Montevideo Embassy Telegram 1628, 8 August 1970.

<sup>25</sup> Montevideo Embassy Telegram 1630, 7 August 1970.

<sup>26</sup> Montevideo Embassy Telegrams 1635-1643, some of which may be relevant, were not available during the preparation of this Note; this omission affects the reconstruction of events, particularly those of August 8.

meeting on August 8, returned at 11:00 a.m. on August 9 to discuss potential communications with the kidnappers, and called on the Foreign Minister again at 12:30 p.m. Adair suggested that (1) the GOU offer immunity from prosecution to recently arrested MLN members who would reveal the whereabouts of Mitrione, and/or (2) the GOU declare that it would hold the detained MLN leaders responsible for any actions presumably carried out on their orders.<sup>27</sup>

U.S. officials also considered proposing a reward scheme that potentially verged on ransom payment. Although very much aware of the possible effects of such a scheme as a precedent, the State Department was prepared to contribute to a funding operation for Mitrione, subject to various conditions: (1) the operation must be clearly effective or must be the only or the best resort available to save Mitrione's life; (2) the operation must be carried out directly or indirectly under the sponsorship and guidance of the GOU; (3) the GOU must remain entirely responsible for the safety of the kidnap victims; (4) the GOU must provide the greater amount of funding; (5) the total amount involved, including the U.S. contribution, must be within reason; and (6) the participation of the United States must be kept secret. Since shifting use of the terms "ransom" and "reward" might cause problems in postrelease publicity, the Department advised that the operation should be designed to provide a reward--not ransom--to individuals (not the MLN) for information that produced a release. It could be expected that potential MLN recipients would assert that ransom had been paid, unless, of course, the operation were carried out by individual MLN members acting against MLN instructions.<sup>28</sup>

Twenty minutes before the noon deadline, Adair broadcast a final appeal for mercy over Uruguayan radio stations. Mitrione was not in fact scheduled to be executed for another 16 hours--but it was too late to save him. Distressed by as-yet-unsubstantiated reports of Mitrione's death, President Nixon wrote again on August 9 to President Pacheco: "I understand, of course, the difficulties you confront, but I have every expectation that your government will spare no effort to secure the safe return of Mr. Mitrione and Dr. Fly."

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<sup>27</sup>State Telegram 128611, 8 August 1970.

<sup>28</sup>Draft of State Telegram, number unspecified, undated.

## VI. THE HOSTAGE EXPERIENCE

Very little is known about Mitrione's experiences in captivity. What little information we have was obtained from an interrogation report and from comments by another captive who was held with Mitrione the first two or three days but did not converse much with him.

Mitrione was taken, wounded but feeling "pretty good," to detention quarters--a house apparently located in the urban area, judging from noises audible from outside. He was confined in a tent within a room, on the lower half of a wooden bunk bed, with a bucket for a toilet. There he was given medical attention, including injections that may explain marks that were found on his inner elbows. His wounding was apparently a mistake. Mitrione agreed that it was, and a Tupamaro interrogator claimed that his organization was investigating the error.

Mitrione was interrogated often, right from the start of his captivity. Subjects about which he was questioned ranged from U.S. activities in Vietnam, big business operations in Latin America, CIA operations in Latin America, police assistance in Brazil and Uruguay, and Embassy security conditions, to names of Uruguayans and Americans with whom Mitrione had contact. Mitrione denied knowing anything in particular about the CIA and said he knew a lot about the FBI as a domestic U.S. agency. He talked about his advisory work with the Brazilian military police and denied working with the "political" police there. He discussed some Embassy security conditions and denied that the Embassy had a system for escape by submarine. Mitrione mentioned the names of some individuals with whom he worked. He further expressed some respect for the ideas, organization, and leadership capability of the Tupamaros but said that he disagreed with their methods, as he disagreed with the methods of U.S. radical groups that also upheld some ideas with which he sympathized. Finally, Mitrione expressed hope that the Uruguayan and U.S. governments would bargain for his release. The interrogator claimed that the Tupamaros could hold Mitrione for months if need be and said that Mitrione was smart and chose "the best way of dealing with us."<sup>1</sup>

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<sup>1</sup>Taken primarily from *Dialogue Before Death: Transcript from a Tape Recording of an English-Language Conversation Between Dan Mitrione*

This latter point contrasts with an indirect comment on Mitrione's behavior made by a Tupamaro guard to Claude Fly: "You [Fly] have been a model prisoner . . . if the other American had been as cooperative, things might have gone better for him."<sup>2</sup>

Mitrione wrote two letters to his wife; one was received August 2 and the other August 8. According to a nonprofessional graphological analysis, the handwriting of the first letter indicated that the writer was a little shaky but not especially disturbed (it should be noted that the analyst had no sample of Mitrione's normal handwriting). The second note, however, exhibited a clear and terrible deterioration of Mitrione's emotional/mental condition, evidenced by the major variations in slant, base line, pressure, spacing between words and lines, and some letter forms.

Mitrione was blindfolded when he was taken out for execution. Examination of his body showed no signs of torture, binding, or other mistreatment. His earlier wound was clean and healing well.

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*and an Unidentified Tupamaro, August 1970, Squirrel Publications, Washington, D.C., 1971.*

<sup>2</sup>Claude Fly, *No Hope But God*, Hawthorn Books, Inc., New York, 1973, p. 26.

## VII. AFTERMATH

Hours after Mitrione's body was found, Ambassador Luisi told the Secretary of State in Washington that the GOU had previously made a policy decision not to exchange convicted terrorists as ransom for kidnapped diplomatic personnel of any country, with one exception: If a U.S. government official were to be abducted, the GOU would make an ad hoc decision. Because the United States was the most important country in Uruguay's foreign policy considerations, the GOU had adopted this more flexible policy toward U.S. officials. Furthermore, Luisi stated, the problem was not just the survival of the GOU or the democratic system, but the very viability of Uruguay as a country.<sup>1</sup>

President Pacheco vigorously defended his government's policy on constitutional, legal, and moral grounds as a national and international defense of democracy. The official GOU statement issued on August 10 said that the government had "had to exhaust all legal means at its disposal to prevent this hateful end, while facing up to the dramatic dilemma resulting from the difference between emotional options and those deriving from our country's juridical, social and political conditions." Under the circumstances, it was "not legally possible or honorable--and it would lead to nothing--for the government, even acting with a noble purpose of saving precious innocent lives, to deal with criminals by agreeing to violate the Constitution and the laws." Such conduct "would establish a precedent whose danger for the survival of American societies is evident." The Uruguayan government stated that it had acted in a manner that represented "the best path for the safekeeping of diplomats, for the pacification of American society, and for the prevention of that ever-increasing blackmail which is continually reaching new victims and which will encourage other criminal groups on the continent to perpetuate new crimes against humanity." In a personal comment, President Pacheco called the kidnap-murder "the greatest attack this country's political institutions have faced in this century."<sup>2</sup>

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<sup>1</sup>Memorandum of conversation, Secretary's Office, 10 August 1970.

<sup>2</sup>Pacheco, quoted in *The New York Times*, August 11, 1970, p. 1.

The Mitrione execution proved to be a setback for the Tupamaros. The widespread disgust it evoked seemed to strengthen President Pacheco's position, despite his general unpopularity, as he sought to continue his hard line against the group. On August 10, he asked the legislature to approve the suspension of personal security rights in accordance with Article 31 of the Constitution. The article applied only in cases of treason or conspiracy against the nation and gave the President special dictatorial powers far beyond those he already held under another special constitutional provision for emergency security measures. His government party backed a proposal for a 60-day suspension, while the opposition party sought agreement to a 10-day suspension. After a 5-hour debate, the legislature authorized a 20-day suspension of personal security rights, with allowance for an additional 20 days if needed. This act was unprecedented in Uruguay's history and cleared the way for police and military activities that would normally not be allowed, such as search without warrants, detention without charge, and even interrogation under pentathol. The unanimous legislative vote in favor of the suspension of constitutional guarantees was the first evidence of a fairly unified political response to terrorism above party considerations, with clear public approval.<sup>3</sup>

On August 10, President Pacheco also recommended, and the legislature unanimously approved, the observance of a national day of mourning on August 11. Government and business offices closed for the day. Moreover, between August 10 and August 13, thousands of visitors went to the U.S. Embassy in Montevideo to sign condolence volumes, and numerous organizations and individuals sent large floral wreaths. Public opinion polls conducted by Gallup Uruguay showed a great decline in expressions of implicit approval for the Tupamaros as revolutionary rather than criminal elements. Jolted out of apathy by Mitrione's execution, many citizens continued to provide information against the Tupamaros, exceeding the police capacity to absorb and utilize such assistance.<sup>4</sup> Ominous talk, however, hinted at the prospective formation of death-squad and vigilante paramilitary organizations.

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<sup>3</sup> Montevideo Embassy Telegram 1684, 11 August 1970.

<sup>4</sup> A potentially damaging report appeared in a Reuters cable published in *Jornal do Brasil* on August 14. A former Uruguayan police commissioner, Alejandro Otero, stated that Mitrione had introduced

The U.S. Ambassador counseled against any criticism of the Uruguayan government in the matter of Mitrione's death. He stated that the U.S. government should "continue to be cautious in any public statements we make in order not to jeopardize the chances of Claude Fly. We must at this juncture avoid the type of public criticism of the GOU which might weaken the administration in the eyes of the Uruguayan people and thereby adversely affect the GOU's ability to give maximum protection to American citizens." Indeed, he expressed his belief that police and military efforts had been quite praiseworthy throughout the episode.<sup>5</sup>

The State Department publicly denied that the U.S. government had pressed the GOU to accede to the terrorists' demands, stating that it had only urged the GOU to do everything "practicable." In a major announcement of U.S. policy on diplomatic kidnappings in Latin America, State Department Press Spokesman Robert McCloskey issued the following statement: "Question has been raised as to whether we pressed [the] GOU to meet all demands of the captors. We did not, literally, do that, and our reasoning is that if we press governments to accede to such extreme demands, that would serve, in our view, only to encourage other terrorist groups to kidnap Americans, with the expectation that, if they have an American prisoner, the U.S. government will support the demands of kidnappers against host governments. Such a policy carries with it greater risks for Americans overseas. And it might be well to note that

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torture into police procedures. Otero, known earlier for his humanitarian treatment of prisoners, had been replaced in January 1970 by a severe officer who was assassinated three months later by the Tupamaros. As the Uruguayan government investigated the allegations, however, Otero and three reporters who were involved disavowed the report when it appeared in print.

<sup>5</sup>Montevideo Embassy Telegram 1658, 10 August 1970. Officials later explored the idea of U.S. government funding of a reward for information leading to the apprehension of Mitrione's murderers. One of the Public Safety advisers proposed the use of U.S. government or private funds to encourage some agency or group outside of government, such as the American Legion or the Veterans of Foreign Wars, to post a substantial reward for apprehension of Mitrione's murderers. The aim would be to motivate some of the actual individuals involved in the kidnapping to provide leads. However, the adviser failed to convince the country team to approve the strategem.

[the] GOU in this matter considered that the real purpose of the kidnappers was not the release of prisoners but the weakening of the Uruguayan government and the destruction of democratic processes in Uruguay by making demands which could not be met."<sup>6</sup> This statement constituted the first public disclosure of State Department policy views on the Latin American kidnappings and how best to deal with them.

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<sup>6</sup>State Telegram 129089, 10 August 1970.

### VIII. SOME CONCLUDING REMARKS

The Tupamaros, like other urban terrorist organizations, held a belief that the capacity to condemn a victim to death represented a high test of revolutionary justice and authority. Compared with bank robberies, press manifestos, abductions for interrogation only, and other small-unit tactics, the act of singling out a special person and condemning him to death seems to carry a special meaning in terrorist campaigns. It seems to be regarded as a mark of quality, a symbol of moral integrity, of having arrived at the status of a full-fledged revolutionary force.

The death sentence against Mitrione reflected the special concern of Uruguay's political culture for legalistic procedures and the international image of Uruguay as a bastion of democracy and civility in the hemisphere. The political discourse of the government and the Tupamaros was profoundly imbued with these concerns. Internal MLN proceedings as well as communications with the government were frequently very legalistic in nature. Moreover, the profound concern for the international image of the Tupamaros inclined its leadership to pass the death sentence, so as to preserve the credibility of diplomatic kidnapping as a means of revolutionary extortion for terrorist groups throughout the hemisphere.

The execution backfired in terms of the domestic image of the Tupamaros. Until mid-1970, they had been gaining some popular sympathy and had embarrassed government officials on several occasions. Although they were not gaining widespread popular support, public apathy, cynicism toward governmental performance, and fear of involvement in the government-Tupamaro conflict seemed to be spreading. The execution of Mitrione, however, proved to be a very unpopular act that greatly damaged the Tupamaros' image as an idealistic movement. The execution aroused new popular support for law-and-order measures.

The Tupamaros did not have very good intelligence about their victim, Dan Mitrione. They believed he was a CIA agent involved in interrogation through torture. The Tupamaros, however, were unable to

produce evidence of these accusations during or after his captivity and murder. They were even unable to obtain damaging propaganda material from their questioning of Mitrione. No basis for the CIA or torture charges has ever emerged. The Tupamaros also proved to have bad intelligence about some construction features of the Embassy and about a suspected submarine escape plan. The subsequent Uruguayan diplomatic kidnappings were also affected by faulty terrorist intelligence: Fly was seized because the Tupamaros thought he was a CIA agent, and at one point they even accused Jackson of being a British intelligence agent who purposely contrived his own abduction. Faulty knowledge about the victim and his work environment is common to a variety of other cases we have examined and has some significant bearing on each case.

The torture issue turns out to be an ironic, self-fulfilling prophecy. In 1970, there was as yet little interrogation by torture or death squad activity in Uruguay. The Tupamaros were aiming at evils that had not achieved major proportions. Certainly Raul Sendic and other captured leaders were treated well in the open atmosphere of the Mitrione case. Yet in the Uruguayan national context, as in others, terrorist tactics led to reactionary measures, thereby helping to create what the terrorists set out to destroy. By 1972, the Army had supplanted the police as the principal counterterrorist agency, and rough interrogation techniques became a fairly regular practice.

The Tupamaros did achieve success in provoking substantial divisiveness within the major political institutions. Within the Executive branch, the major division was between the President and the Interior Minister on one side, and the Vice President and Foreign Minister on the other. (A similar tendency for the Interior Ministry to adopt a hard line, and the foreign Ministry a soft line, was observable in diplomatic kidnappings in Mexico as well. Embassy dealings with a Foreign Minister who is eager to please and encourage may therefore not be a sure guide to decisionmaking conditions within a government. Indeed, one interviewee in Uruguay criticized the then Foreign Minister for in effect misleading Embassy officials about the potential for some concessionary response by Uruguay's President, in the subsequent Fly case, as well as in the Mitrione case.) The Tupamaros also succeeded in stimulating divisive debate within the legislature, much of it aimed at

Executive branch policies. Only the Judicial branch remained fairly united.

There is no evidence that the ministerial crisis came near to inducing a military coup or other succession, though some reports indicate that the sudden arrest of top Tupamaro leaders turned the President away from a prospective consideration of resignation. In general, it appears that the Mitrione experience and subsequent Tupamaro tactics led to a further isolation of the presidency from other government institutions, to a great recourse to dictatorial measures, and ultimately to new reliance on the military as the major institutional support of the presidency. Thus the terrorism progressively fostered reaction rather than revolution.

Four common policy options for government officials are (1) readiness to make some concessions through negotiation and communication with terrorists, (2) refusal to concede, but readiness to communicate and negotiate, (3) refusal to concede or negotiate, but willingness to communicate, and (4) refusal to even engage in communications. In the Mitrione case, the first diplomatic kidnapping in Uruguay, the local policymakers immediately adopted the fourth option, the same one they were already applying to domestic cases. No attempts were made to establish lines of communication, and the Interior Ministry communique as well as official comments were addressed to the public at large through the press. Any possible direct communication channels were closed or ignored. Later in the case, government officials did undertake some secret discussions with the captured Tupamaro leaders, yet the President never signaled any willingness to negotiate for concessions.

In retrospect, no significant advantages appear to accrue from a policy that rejects even communications with the terrorists. It certainly does not serve to deter future terrorism to any noticeable extent. The policy seems to have arisen mainly from the personality attributes of the President, who had earlier banned even usage of the term "Tupamaro" in the press. The refusal to communicate did protect his personal decision not to make any concessions, but it does not appear to have strengthened the stability of his office, and it surely damaged Mitrione's prospects.

The main thrust of U.S. policy was to encourage the Uruguayan government to open some communications lines to the terrorists so that at least discussions, though not necessarily negotiations, could be held. U.S. policy was shaped and directed mainly by the Ambassador, following general guidelines set by Washington. The Ambassador and his Embassy associates deserve high marks for their efforts on the scene. The Mitrione case reveals once again, however, just how little influence the United States has over foreign authorities that set an independent course on the basis of high domestic stakes. While U.S officials never attempted to force a change in Uruguayan policy, their constant attempts at diplomatic persuasion achieved no noticeable success at even breaking the communications impasse. Uruguay's stubborn President cleverly rebuffed the major attempt at persuasion made by the U.S. Ambassador when he delivered a note from President Nixon.

While ignoring the Tupamaros as significant *political actors*, the Uruguayan government declared them to be simple *criminal actors* and implemented the other side of their policy: heavy police and combined Army-police pressure, through various intelligence, search, and detention activities. The police managed to apprehend a number of top leaders. Ironically, this may have harmed Mitrione's prospects, by changing the immediate composition of the terrorist group responsible for passing final judgment. Moreover, because the Tupamaros had penetrated many government institutions, apprehended leaders were able to maintain some participation and influence in the MLN from their prison cells until the military took command of the antiterrorist campaign.

U.S. policy also had a police side. Uruguayan policy in the Mitrione case was strengthened by the energetic activities of the U.S. Public Safety advisers. They worked closely with Uruguayan police agencies and were important factors behind the motivation and organization of local police efforts to acquire intelligence and mount massive search operations. The major police success was the apprehension of the collection of top Tupamaro leaders, including Raul Sendic. This feat, however, did not lead to any useful information to break the case. Nor did it prevent a death sentence for Mitrione. As

mentioned, the group apprehension may even have had an adverse impact on Mitrione's prospects for safe release.

The Mitrione case elicited from the State Department a significant press statement to the effect that the U.S. government would not support concessions by local governments, because doing so would only encourage future diplomatic kidnappings. In retrospect, however, the anticoncessionary policy in Uruguay did not deter future kidnappings. Two more foreign diplomats were seized after Mitrione (Claude Fly and Geoffrey Jackson), and the Tupamaros later switched to kidnapping local citizens for purposes of revolutionary justice rather than extortion. The Tupamaro terrorism was not broken until the armed forces launched a fierce crackdown in early 1972.

The Mitrione case also suggests that graphological analysis of handwritten communications can provide useful indications of a hostage's mental/emotional condition. A professional analysis would have avoided the observation, for example, that Mitrione's first letter was written in a firm hand. A comparison of the three letters clearly indicates that Mitrione was experiencing great personal suffering and deterioration.

## EPILOGUE

Some ten years have passed since this case study was first prepared.<sup>1</sup> In the meantime, the Mitrione kidnapping has remained an important symbol for left-wing indictments of U.S. policy and related rationalizations of revolutionary terrorism. This symbolic importance is still epitomized by the 1973 fictional film of Greek director Constantin Costa-Gavras, *State of Siege*, which included "every undocumented rumor about Dan Mitrione from Santo Domingo to Belo Horizonte" to appear to back up accusations that U.S. agencies were providing training in torture techniques.<sup>2</sup> These accusations remain at the core of the symbolism, particularly for U.S. and European audiences who rallied to the film, yet no verifiable substantiating evidence has appeared in all the intervening years.<sup>3</sup>

A. J. Langguth's subsequent journalistic account, *Hidden Terrors*, may be more balanced and less propagandistic in some respects than the Costa-Gavras film. But it too is still far from being a well-researched study and sustains errors of substance that remain central to the old symbolism. For example, Langguth states that the U.S. government, during the Nixon administration, "adamantly opposed any trade or deal with the rebels of any nation." It is thus presumed that U.S. policy strengthened President Pacheco's decision not to release Tupamaro prisoners in exchange for Mitrione, and that U.S. officials were quite

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<sup>1</sup>See Preface.

<sup>2</sup>A. J. Langguth, *Hidden Terrors*, Pantheon Books, New York, 1978, p. 306. For the text of the screenplay and an interview with the writer (who was a member of the Italian Communist Party) and the director, see Costa-Gavras and Franco Solinas, *State of Siege*, Ballantine Books, Inc., Plexus Publishing, London, 1973.

<sup>3</sup>To the extent that repressive practices in Latin America are imported from abroad, the latest scholarly hypothesis has shifted away from focusing blame on U.S. agencies, and instead holds that the foreign intellectual and institutional sources of right-wing extremism in the Southern Cone countries during the 1970s lie in Europe and not in the United States.

willing to sacrifice Mitrione for such policy.<sup>4</sup> Yet the case study presented in this Note shows a complex reality in which Pacheco's position was tougher than anybody else's, while U.S. officials tried to get him to at least communicate with the Tupamaros in an effort to save Mitrione.<sup>5</sup>

The primary information about the Mitrione kidnapping that has come to light since this study was originally drafted results from the release of imprisoned Tupamaros in Uruguay. That information pertains to one of the haziest aspects of this study: the terrorists' own view of the incident and their behavior during it.

Recent remarks by former Tupamaro chieftain Raul Sendic are particularly illuminating. Sendic has reportedly revealed that Mitrione "had been selected as a target for kidnapping because he was helping to teach riot control procedures to the Uruguayan police." Contrary to the old symbolism, Sendic did not specifically accuse Mitrione of teaching torture techniques to the local police; instead he emphasized that "student demonstrators had been killed by the Uruguayan police as a result of the anti-riot training."

Sendic has also clarified the decisionmaking process that resulted in Mitrione's death. Mitrione was killed by his holders "because of a breakdown in communications after Uruguayan security forces captured the [Tupamaro] leaders, who were unable to send instructions to those holding him." The Tupamaros had threatened to kill Mitrione if their demand for a prisoner release was not met. But according to Sendic,

The Tupamaro leaders decided later . . . that if the government continued to refuse the demand they would hold Mr. Mitrione indefinitely instead of killing him.

But on August 7, 1970, a week after the kidnapping, the police raided the house where the leadership was staying and captured Mr. Sendic and the others. A short time later . . . the replacement leadership, which knew of the plan to keep Mr. Mitrione alive, was also captured.

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<sup>4</sup> Langguth, *Hidden Terrors*, pp. 258-259.

<sup>5</sup> See in particular the August 7 exchange between Ambassador Adair and President Pacheco regarding a message from President Nixon, in Sec. V above.

"Those captured lost all contact with the others," he [Sendic] said, "and when the deadline came the group that was left with Mitrione did not know what to do. So they decided to carry out the threat."<sup>6</sup>

Thus, Mitrione was supposed to have been kept in prolonged captivity--the way the Tupamaros kept Claude Fly and their next diplomatic hostage, British Ambassador Geoffrey Jackson.<sup>7</sup>

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<sup>6</sup>Shirley Christian, "Uruguayan Clears Up a Noted Killing," *The New York Times*, Sec. 1, June 21, 1987, p. 10.

<sup>7</sup>For their accounts of their experiences in captivity, see Claude Fly, *No Hope But God*, Hawthorn Books, Inc., New York, 1973; and Geoffrey Jackson, *People's Prison*, Faber and Faber, London, 1973.



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